

only .4 percent since 2001, adjusted for inflation, while gasoline prices have risen 130.5 percent since that same year, adjusted for inflation. When you start talking about people on fixed incomes or people earning the minimum wage, the problem becomes more pronounced. We have gone 9 years now with no increase whatsoever in the federal minimum wage. We tried here only a few weeks ago, prior to the Fourth of July recess, for a \$2.10 per hour increase in the minimum wage over the next several years, from \$5.15 per hour to \$7.25 per hour. That is a very modest increase in that minimum wage, but it would make a huge difference for people out there who are trying to make ends meet.

Again, we have a limited time to talk about this, but Senator DORGAN and I are once again going to ask our colleagues to consider the idea of a rebate going back to people who are trying to make ends meet. We ask, when you have profits in excess of \$40 per barrel, to either invest those profits back into the development of new product or new technologies or rebate part of those profits back to consumers.

I know the Presiding Officer cares deeply about this issue and has lectured us on numerous occasions about the importance of supply. I don't fault the industry for trying to make a profit. What I would like to know is, are the companies investing in production, alternative sources of energy, and new technology? I would like to know they are going to do something, in addition to making a profit, that will actually increase our domestic supply.

We wake up today to find the region of the world on which we depend tremendously for our supplies is literally aflame, a tinderbox that is exploding while we are gathered here. Yet we sit around here almost pretending that nothing is wrong as we continue to watch oil and gasoline prices skyrocket and oil companies record huge profits. One of the major oil companies, in its 2004 annual report, told its shareholders:

We achieved the highest net income in our history, \$18.2 billion. This was 48 percent higher than in 2003, as a result of higher oil and gas prices.

So they recognize themselves that their profits are occurring because of these skyrocketing prices. Why not put some of those resources into developing alternatives, or doing a better job to see to it we become less dependent on the Venezuelas and the Middle East for our supplies? And if not, why not rebate some of the profits back to people who are struggling to make ends meet?

Senator DORGAN and I are asking the leaders to provide us a limited amount of time to debate oil and gasoline prices and other energy issues. Nothing has captivated the attention of our public as has this issue. I don't know why we can't find some time to talk

about ideas to provide relief to people we represent. We spent more time in the last couple of weeks talking about gay marriage and flag burning. How about gasoline prices?

How about saying to the American public: Listen to the ideas we have to reduce the pressure you are feeling economically. That would be a welcome surprise to most Americans, to hear us talk about something they deeply care about. At the appropriate time, the Senator from North Dakota and I will be offering some language, once again asking our colleagues to join us in a bipartisan way to see if we can't encourage the industry to do something more than just brag about its profits.

I yield the floor.

The PRESIDENT pro tempore. There is 4 minutes 12 seconds on Republican side. Who yields time?

Mr. GREGG. We yield back the remainder of time in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5441, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Feinstein amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition.

Thune/Talent amendment No. 4610, to establish a program to use amounts collected from violations of the corporate average fuel economy program to expand infrastructure necessary to increase the availability of alternative fuels.

Vitter amendment No. 4615, to prohibit the confiscation of a firearm during an emergency or major disaster if the possession of such firearm is not prohibited under Federal or State law.

Menendez modified amendment No. 4634, to provide that appropriations under this Act may not be used for the purpose of providing certain grants, unless all such grants meet certain conditions for allocation.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mr. GREGG. Madam President, we are now back on the Homeland Security

appropriations bill. My hope is, although this is not formalized as a unanimous consent agreement yet—but the understanding I have with the Senator from Washington was that the Senator from Pennsylvania would speak for about 15 minutes and then the opposition, if they wish to speak, would speak for 15 minutes. Then the Senator from Arizona, Senator KYL, would speak for about 10 minutes on his amendment. Then there will be 10 minutes in opposition. Then we will go to a vote on those two amendments. Either—if they are merged, one vote; if they are not merged, two votes. Then we will go back to the Menendez amendment, the amendment of the Senator from New Jersey.

I understand Senator COLLINS wishes to speak on that, and Senator LEAHY wishes to speak. I am not sure what the time understanding is before we can get to a vote on the amendment of the Senator from New Jersey, but my hope would be we could go to a vote fairly promptly on that amendment after completing the votes on the amendments of Senator KYL and Senator SANTORUM.

I see the Senator from Washington is here. Is that her understanding?

Mrs. MURRAY. Madam President, I would let my colleagues know we have several Members who want to come to the floor to speak. We are checking with several of the relevant committees. I am hoping over the course of the next hour or so we can figure out the timing on the votes the chairman requests.

Mr. GREGG. At this time, I think the Senator from Pennsylvania is ready to go and we will get started.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 4575

Mr. SANTORUM. Madam President, I call up amendment No. 4575 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM) for himself and Mr. KYL, proposes an amendment numbered 4575.

Mr. SANTORUM. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the number of border patrol agents, to 2,500 agents, and offset by increasing the availability of reverse mortgages for seniors)

On page 70, line 3, strike "\$5,285,874,000; of which" and insert "\$5,459,135,000; of which \$459,863,000 shall be for 1,500 additional Border Patrol Agents and the necessary operational and mission support positions, information technology, relocation costs, and training for those agents; of which".

On page 127, between lines 2 and 3, insert the following:

"SEC. 540 (a) Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking 'established under section 203(b)(2)' and all that follows through 'located' and inserting 'limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'; and

(2) in subsection (i)(1)(C), by striking 'limitations' and inserting 'limitation'.

(b) The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this section. The notice shall take effect upon issuance."

Mr. SANTORUM. Madam President, let me say, on behalf of myself and Senator KYL, we are working on two amendments that deal with the issue of border security. The first I am offering is an amendment to add 500 additional border guards to the underlying bill. The President, in his budget request, suggested we increase the number of border guards to be trained this year to 2,500. One thousand of those were provided in the bill, but this would add an additional 500. The other 1,000 was provided in the emergency supplemental, which was passed earlier this year, which would bring us a total of 1,000, plus 1,000 in this bill, plus 500, to 2,500.

The reason the subcommittee and the committee did not provide the additional 500 the President requested was because the President funded those additional 500 with a fee on airline flights. That was something the committee did not include in their mark and, as a result, didn't have the resources the President's budget request had to be able to fund these additional 500 guards.

We have been working with Chairman GREGG and the ranking member to try to come up with an offset, understanding this bill is incredibly tight. There are a lot of priorities in the Department of Homeland Security. Trying to find offsets and taking money away from other vital areas of homeland security was a very difficult thing to do. As a result, I worked with the committee and came up with an offset that was used in the House of Representatives on another appropriations bill over there. It is an offset with which I am very familiar because it is a piece of legislation I actually introduced earlier this year having to do with reverse mortgages.

Reverse mortgages are a very important tool that is used by some seniors in our society who have a lot of equity in their home but do not have a lot of income. They don't have a substantial stream of income to be able to support themselves in their retirement, so they have all this equity locked up and no ability to access that equity.

The reverse mortgage program, sponsored and directed by the Department of Housing and Urban Development—overseen by them—is a way to unlock

that equity to be able to get income into the hands of our senior population. It is a pilot program now and has a cap of 250,000 mortgages. What this amendment does is removes the cap, adjusts the amount of money that will be allowed—the size of these reverse mortgages—based on the geographic area of the country, to reflect the discrepancy in pricing of houses in those different geographic areas of our country.

As a result, it will, because of these transactions, result in more income to the Federal Government, more revenue to the Federal Government. It is about \$190 million. This would pay for the amendment I am offering to increase the number of border guards.

In addition, there would be some additional money left over, which Senator KYL, in a subsequent amendment, will address, to deal with the detention facilities and use up the remaining part of that money and some additional money in an offset that he has.

It is a combination effort to try to help the subcommittee come up with additional resources which I am sure the chairman would love to do. The chairman has been excellent in the past several years, since the events of 9/11, in fully funding the requests from the administration—in fact, in some cases exceeding the requests from the administration in providing for border guards. I think he has said on the floor of the Senate that we have seen a 40-percent increase in border guards, in the number of border guards being trained and the number of border guards, period, in this country since the events of 9/11.

We have seen a substantial increase. I commend him for the priority he has put to that. But I understood the difficulties he had in trying to come up with the money to add the additional 500 the Department said they could train this year and that they need. This is a way to provide the additional resources, to do so without emergency designation, to do so without busting the budget, to do so with a legitimate offset that actually raises the money that could counter the expense in providing for the additional border guards.

Obviously, this is an important issue. There is no issue I heard about more, over the past several months in particular as I traveled around the Commonwealth of Pennsylvania, as the issue of defending our border. We passed an immigration bill in the Senate which was an attempt to increase the number of border guards, increase detention facilities, build new fences, improve our points of entry at our southern border. That is wonderful, if we can get a comprehensive immigration bill passed. If we get a piece of that immigration bill passed that deals with the border, I think that is a positive step in the right direction.

That doesn't mean we can't do things right now in the normal process to im-

prove the situation at the border. We have done that in prior appropriations bills as a result of the work of the chairman and ranking member, and we should continue to do so, whether we get an immigration reform bill ultimately passed this session of Congress.

This is the opportunity for Congress to actually do something concrete and positive this year to enhance our border security—to increase the number of border guards up to the President's request and up to what the Department of Homeland Security says they can use this year and train this year.

I am hopeful we will get support for this—again, if it is fully offset. It is something we have cleared through the Ways and Means Committee because this does raise revenue. When Chairman THOMAS was on the Senate floor, I asked about the potential blue slip problem. We have gotten word we will clear that hurdle, if necessary.

I obviously checked with Chairman BOND and the housing subcommittee. They have been very helpful in that regard. We have run all the traps. There is a solid offset, and it provides for a definite need in a very critical area of our national security; that is, our border presence.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4643

Mr. KYL. Madam President, I ask unanimous consent the Santorum amendment be laid aside for the purposes of me laying down an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, my amendment is similar to that laid down by Senator SANTORUM in that the offset comes from the same housing loan program. It is an effort to reach the President's full goal rather than what the appropriations bill was able to accommodate, but in this situation to reach that goal for detention spaces rather than additional Border Patrol. If you combine the two amendments, what we will have accomplished is to achieve the funding of the full number of Border Patrol agents the President wanted to add and the full number of detention spaces the President wanted to add. That is the simple explanation. There simply was not quite sufficient money available to the Appropriations Committee to achieve 100 percent of both of those goals. Those goals were stated in the President's budget with respect to detention spaces.

I will describe the detention space problem in a moment, but the President's fiscal year 2007 budget request

requested an additional 6,700 beds. The legislation before the Senate funds an additional 1,000. The supplemental appropriations bill we passed earlier funded an additional 4,000. Adding those two together, you have 5,000 new beds. Subtract that from the 6,700 the President said he needed when he submitted the budget and we have an additional 1,700 beds we need to acquire. This legislation appropriated the funds for the additional 1,700 beds and uses the offset Senator SANTORUM will trigger in his bill, as well.

Why is it important to add these detention spaces? The primary reason is to end, once and for all, this program of catch and release. When we apprehend an illegal immigrant from a country other than Mexico, you cannot return that person to Mexico. The person is not a citizen of Mexico. We have to return that person to their country of origin. This is a very difficult thing to do.

First of all, some of the countries will not take their people back. Others will only do so after a great deal of time and effort are expended in paperwork to take them back. There are something like 40,000 Chinese nationals who need to go back to China but who are not being sent back to China.

What happens to those people in the meantime? The program in the past has been, as I said, catch and then release them because there is no place to detain them pending their removal to their country of origin.

The Secretary of Homeland Security would like to have enough detention space available that the people who need to be detained can be detained. They can be put on the airplane and sent back to their country of origin. The Secretary would like to expedite this removal so that in all cases it is done within a couple of weeks, if possible. Today, the average is about 3 weeks.

The problem is, many people are apprehended and simply told to return in 3 weeks, 90 days, or whatever the period might be. Of course, most of them do not come back to be removed to their country of origin. That is the release part of it. As a result, we have a large population of illegal immigrants in this country from countries other than Mexico who have been apprehended, have been asked to come back so they can be sent back to their country of origin but who never come back to be sent back. Without the detention spaces, that is not going to stop. Once those detention spaces are available, the Secretary believes these illegal immigrants will cease coming here because the expense of their getting here is not going to be worth it since they will have the certain knowledge they will be apprehended, detained, and then sent back rather than detained and then released into our society, never to be heard from again.

The President's 2007 budget did describe this practice of catch and release and described it as an unacceptable practice that must end. If we are going to end it, we need to have sufficient detention spaces, as the President pointed out, the additional 6,700 beds to accommodate these people.

A number of Members have continually talked to the administration and the Department of Homeland Security about this problem. For one reason or another, it has always been a matter of, we need more detention spaces and we cannot accommodate this many people. It is a major breakthrough; the administration has finally calculated how many more spaces it needs and has begun the process of acquiring those spaces. We need to support the administration's full request and not simply get 60 or 70 percent of it accomplished. We are not going to solve this problem of catch and release until we have sufficient detention space.

It is also a security problem for the United States because in many cases we do not know the identities of these people. These are not simply Mexican nationals coming across. They could be people from China, Russia, Vietnam, or countries of special interest to the United States in the Middle East, for example, countries from which terrorists have come. As a result, it is important not to simply release these people into the interior of our country never to be heard from again. They carry false documents. We do not know their true identities. It is important when we apprehend them to detain them.

Let me quote from a June 22 letter from me to the Department of Homeland Security, Secretary Chertoff:

... because DHS lacks the detention space to hold OTMs [other than Mexican nationals] it necessarily releases 70 percent of them into the interior of the United States with a Notice to Appear for an immigration hearing. Approximately 70 percent of those released failed to appear for their hearings; of those who do appear, 85 percent fail to comply with final orders of removal and remain illegally in the United States. In effect, therefore, our national policy amounts to "catch and release," and raises significant national security concerns. Moreover, it does nothing to deter further illegal immigration by OTM's. Indeed, it may have the opposite effect: A June 4th article in the San Diego Union Tribune indicates that Brazilians, who make up a large portion of the OTM's, actively seek out border patrol agents after illegally crossing the border, so that they may get a Notice to Appear and pass unmolested into the interior.

In other words, it is actually a benefit for these people who have a piece of paper with them that, in effect, frees them from additional apprehension during this period of time prior to their notice to appear. When the time period is up and they are supposed to actually appear, they are gone. In the meantime, they basically had a free pass to travel wherever they want in the United States, unmolested by the Border Patrol or law enforcement.

In a November 15, 2005, letter to Secretary Chertoff, I joined Senators MCCAIN, HUTCHISON, and CORNYN in advising the Secretary that:

... the Department should immediately resolve the "catch and release" practice, under which these non-Mexican illegal aliens are released into the interior due to lack of detention space.

The result of that was an effort by the Department of Homeland Security to identify what was necessary in order to achieve the goal. As I said, their determination was 6,700 beds, the number called for in the administration's budget.

I applaud the chairman of the appropriations subcommittee, Senator GREGG, for finding the funding to add an additional 1,000 beds to the 4,000 that were put in the supplemental appropriations bill, also due to his efforts. The Committee on Appropriations has gone a long way toward getting this funding, but we are still not quite there.

This legislation says this must be one of our priorities. As a result, having found a way to pay for it from other legislation, let's add these 1,700 so we can accommodate the full budget request of the President and say we have done everything we can to resolve this problem of catch and release.

There are some additional things we could talk about here, but it is probably relatively uncontroversial for us to complete this job. If there is no opposition to this amendment, I don't think it is necessary for me to talk about some of the additional things we could discuss to make the case; that it is very important to stop this program of catch and release. I think almost everyone agrees with that proposition. My amendment is what is necessary to complete that unfinished business.

I hope our colleagues would see the benefits of adding this to the bill and ensure we can complete the task of resolving this problem of catch and release.

If there is further debate, I am happy to respond and cite additional information that I think will help make the case we need to do this, but I don't think it is a case that needs a great deal of elaboration. I ask my colleagues when we have the opportunity to vote on this, to support this amendment, as well as Senator SANTORUM's amendment, which I also wholeheartedly join in supporting. I am an original cosponsor of it.

These are the two pieces of unfinished business we need to take care of in this legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I congratulate the Senator from Arizona. I am a cosponsor of his amendment as he is a cosponsor of mine. I am very sanguine about the opportunity to get both the detention facilities, the

beds added, as well as the additional border guards the President requests. I think everyone in this Chamber has been very clear about the need for additional border security on both sides of the aisle. In fact, we voted on numerous amendments in the past offered by Members on both sides of the aisle to increase border security as well as to stop the catch-and-release policy.

Here is an opportunity to have the President's budget request complied with, and to offset that is sort of a bonus. It is good public policy. We have good public policy providing streams of income for our seniors at a difficult time in their life through the process of reverse mortgages, which was a pilot program that has worked very well and has broad support on both sides of the aisle.

What we have in this amendment, as well as the amendment of the Senator from Arizona, is the opportunity to have a win-win situation. My understanding is, however, that—at least there is a rumor afoot—some on the other side of the aisle have a problem with the offset, not that they have a problem—my understanding is they do not have a problem with the offset itself but that under the rules of the Senate there is a germaneness issue with respect to this particular offset on this particular piece of legislation.

I hope we look to the merits of actually both pieces of legislation: One, the funding for detention facilities and for border guards, the need to do that, the need to do it in a fiscally responsible way, not adding to the deficit. On top of that, there is the good public policy that can be accomplished through the Reverse Mortgage Program—which, again, has broad support from both sides of the aisle and has terrific support within the senior community, the AARP, as well as so many other senior organizations, lending organizations, and the like who see the terrific advantage. This is a program overseen by the Department of Housing and Urban Development. It is a good public-private partnership that has the public component to ensure that seniors are not taken advantage of in these transactions. So it is a good win for our seniors, it is a good win for our border security, as well as getting rid of a very bad policy which is catch and release.

So again, the point of germaneness has not been made, and maybe on second thought we will see that the actual public policy benefits of getting something done here in the U.S. Senate, of increasing border security, as well as improving the living conditions of our seniors, will be a good one-two punch to accomplish here today in the U.S. Senate. I hope we can do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, when I described my amendment, I neglected

to send it to the desk, so I send the amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. SANTORUM, proposes an amendment numbered 4643.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To increase the number of Department of Homeland Security detention bed spaces by 6,700 total beds in FY 2007)

On page 75, line 8 strike "\$3,740,357,000; of which; and insert "\$3,780,357,000; of which \$40 million shall be authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds; of which".

SEC. At the appropriate place in the bill, insert:

Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by adding at the end the following new subsection:

"(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE—

"(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1-to-4 family dwelling in which the mortgagor will occupy or occupies one of the units.

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size."

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4615, AS MODIFIED

Mr. VITTER. Madam President, I call for the regular order with respect to amendment No. 4615 and ask that it be modified according to the modification language already at the desk.

The PRESIDING OFFICER. The Senator has the right to do both actions.

The amendment (No. 4615), as modified, is as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act shall be used for the seizure of a firearm based on the existence of a declaration or state of emergency.

Mr. VITTER. Madam President, I ask unanimous consent to add as cosponsors the following Senators: CHAMBLISS, ROBERTS, BUNNING, ALLEN, BAUCUS, THOMAS, and SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, this slightly modified amendment is the

same amendment fundamentally that I described and talked about yesterday, only now it is fully germane—a pure limitation amendment which clearly can be and should be and will be considered and voted on in the context of this underlying bill.

It would prohibit law enforcement officers from confiscating firearms from those who are in lawful possession of them just because it is a disaster situation. It would not prevent funding for law enforcement officers who confiscate firearms because someone is in violation of Federal, State, or local law. It simply says, law enforcement cannot, under their powers because it is an emergency situation, start confiscating firearms which are completely legal, which have been obtained completely lawfully, by law-abiding citizens.

As I explained yesterday—and I want to repeat it very briefly now—we talk about second amendment rights. We talk about the right and the need in some cases to defend your life and property. That is why the second amendment offers such fundamental and important constitutional rights.

Yet at no time in our ordinary experience is that more important, more truly important, to the preservation and defense of one's life and property than in the sort of disaster situation we saw right after Hurricane Katrina.

In the aftermath of that disaster, there was no communication. The police were cut off from enforcing their duties in many neighborhoods. And there was no ability for law enforcement to come to a citizen's call in light of an emergency. So a law-abiding citizen truly did, in many instances, depend on his firearm, his lawfully obtained legal firearm, protected by the second amendment for the defense of his property and literally, in some cases, his life and his family's life.

Therefore, we should never allow the confiscation of those legal firearms in that desperate situation when they truly are essential for the preservation of life and property.

Again, my amendment is very simple and straightforward in that regard. As it has now been modified, it is fully germane within the bounds of this bill.

I look forward to my colleagues supporting it with a strong bipartisan vote because it is such a clear, common-sense, right thing to do.

With that, Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I appreciate the amendment of the Senator from Louisiana. I certainly intend to support it—strongly support it. I think it is an excellent amendment. I believe it is going to require a vote, however.

We are now going to turn to the Senator from Connecticut who is going to offer an amendment with 30 minutes on

that amendment, the Senator from Connecticut having control of 20 minutes and myself having control of 10 minutes. At the completion of the presentation of the Senator from Connecticut, I would hope we would be able to work out an agreement where we can go to a vote on the amendment by the Senator from Louisiana and a vote on the amendment of the Senator from Connecticut. That has not yet been agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4641

Mr. DODD. Madam President, I would like to call up amendment No. 4641, if I may, and ask for its immediate consideration.

Mr. GREGG. If the Senator will yield for a second?

Mr. DODD. I am happy to yield.

Mr. GREGG. Madam President, I ask unanimous consent that the time on this amendment be 30 minutes, with 20 minutes allocated to the Senator from Connecticut and 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I call up amendment No. 4641 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 4641.

The amendment is as follows

(Purpose: To fund urgent priorities for our Nation's firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of \$1,000,000)

On page 91, line 6, strike "\$2,393,500,000" and insert "\$12,083,500,000".

On page 91, line 8, strike "\$500,000,000" and insert "\$2,896,000,000".

On page 91, line 9, strike "\$350,000,000" and insert "\$2,027,000,000".

On page 91, line 22, strike "\$1,172,000,000" and insert "\$6,789,000,000".

On page 92, line 1, strike "\$745,000,000" and insert "\$4,315,000,000".

On page 92, line 3, strike "\$210,000,000" and insert "\$1,216,000,000".

On page 92, line 9, strike "\$5,000,000" and insert "\$30,000,000".

On page 92, line 11, strike "\$12,000,000" and insert "\$69,000,000".

On page 92, line 13, strike "\$150,000,000" and insert "\$869,000,000".

On page 92, line 17, strike "\$50,000,000" and insert "\$290,000,000".

On page 94, line 17, strike "\$655,000,000, of which \$540,000,000" and insert "\$3,794,000,000, of which \$3,128,000,000".

On page 94, line 19, strike "\$115,000,000" and insert "\$666,000,000".

On page 95, line 5, strike "\$205,000,000" and insert "\$1,187,000,000".

On page 96, line 6, strike "\$45,887,000" and insert "\$265,800,000".

On page 96, line 12, strike "\$525,056,000, of which \$442,547,000" and insert "\$3,041,200,000, of which \$2,554,608,000".

Mr. DODD. Madam President, I ask unanimous consent that my colleague from Michigan, Senator STABENOW, be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, if the Chair would inform me when the Senator from Connecticut has consumed 15 minutes, I would appreciate it.

The PRESIDING OFFICER. The Chair will do so.

Mr. DODD. Madam President, I rise this morning to offer this amendment that seeks to meet some of the domestic security needs of our Nation as demonstrated by a distinguished group of experts in public policy, national security, and public health. This is not an amendment that I have crafted on my own. Rather, this amendment reflects the tremendous work done by our former colleague, the Senator from New Hampshire, Warren Rudman, who authored this report under the auspices of the Council on Foreign Relations back in 2003, along with a very distinguished group of Americans who brought a wealth of talent to that report, making significant recommendations as to how we might strengthen the ability of first responders in this country to deal with the national security threats posed by terrorist organizations.

Obviously, all of us here are more than aware of these threats not only because of the events of 9/11, when we were victimized by the attacks of al-Qaida, but because we have witnessed the tragic events in Madrid and London, and most recently, the train bombings near Mumbai, India, where terrorist attacks have taken the lives of innocents. Once again, we realize that we are very, very vulnerable.

Warren Rudman has warned us of this vulnerability. A distinguished group of Americans, who I will identify in a moment, have warned us. I will be offering an amendment now for the fourth time since 2003 urging my colleagues to support an effort to put some very meaningful resources to bear when it comes to the needs of our first responders all across this country.

As I mentioned, this is the fourth year I have offered my amendment, along with my colleague from Michigan, Senator STABENOW. And I thank her immensely for her tireless efforts in this regard as well.

The purpose of this amendment is very simple. It is to fund the urgent priorities of our Nation's firefighters, law enforcement personnel, emergency medical personnel, transportation systems, and critical infrastructure, such as our ports and chemical plants around the country.

The amendment would pay for these vital priorities by lowering the tax breaks for individuals with annual incomes in excess of \$1 million.

Politics is always about choices. Choices are never easy. To pay for this, I have to come up with an offset. I realize that. But it seems to me if we cannot make the simple choice of asking those who are the most affluent in our society to reduce, for a period of time—not totally—but just reduce, by a small amount, the amount of the tax break they would be getting over the next few years in order to fund the needs we have in our communities across this country—it is not a difficult choice to make.

I suspect if we surveyed the Americans who are making this kind of an income, as to whether or not they would be willing to forego the size of the tax cut they would be getting in order to properly fund these efforts, I suspect those Americans, as patriots, would be more than willing to make that kind of a sacrifice, if you wish to call it such, in order to properly fund the efforts that have been identified by Americans who know what they are talking about when it comes to our national security needs.

Four years ago, the Council on Foreign Relations—which I mentioned already—convened an independent task force to identify the challenges faced by our Nation in preventing and responding to acts of terrorism. This group was chaired, as I mentioned, by our former colleague, Senator Warren Rudman of New Hampshire.

The task force, in June of 2003, issued a very comprehensive report entitled: "Emergency Responders: Drastically Underfunded, Dangerously Unprepared." That was the report issued in 2003.

Senator Rudman was joined on this task force by a very distinguished group of Americans. Let me name some of them, not all of them: George Shultz, former Secretary of State under Ronald Reagan, Secretary of the Treasury, Secretary of Labor, and Director of the Office of Management and Budget; William Webster, former Director of the Central Intelligence Agency; Charles Boyd, the chief executive officer and president of Business Executives for National Security; Margaret Hamburg, the vice president for biological weapons at the Nuclear Threat Initiative and former Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services; Donald Marron, former chairman of UBS America; James Metzl, former staff member of the National Security Council, the Department of State, and former staff director of the Senate Foreign Relations Committee; Norman Ornstein, resident scholar at the American Enterprise Institute; Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Harold Varmus, president and chief executive officer of the Memorial Sloan-Kettering Cancer Center—and on and on, just to give you

some idea of who the authors of this task force are.

All I have done is taken their recommendations and put them into legislative form. These are not Dodd proposals. These are proposals that our former colleague, along with the individuals I have just mentioned, have asked us to do. They told us 3 years ago the things we must do to be better prepared to deal with our threats. These are their ideas, not mine. I am just taking their ideas and putting them in legislative form, along with my colleague from Michigan, and asking our colleagues to get behind this and to pay for this by reducing, ever so marginally, the amount of the tax break that individuals making more than \$1 million a year would otherwise be receiving.

I have great respect for my colleague from New Hampshire, Senator JUDD GREGG—we are good friends—and Senator BYRD. They have a very difficult task, along with the other members who serve on the Homeland Security Appropriations Subcommittee. It is not an easy job at all, and I recognize that. However, concerning the needs of our emergency responders and our critical infrastructure, I think we are faced with a problem that is far more significant than the budget cap requirements placed on these appropriations bills.

I think we will come back and revisit this if we are faced with the kind of tragedies I think all of us know are out there, when we look back and ask why we didn't do what needed to be done when Warren Rudman and others warned us about what would happen if we didn't provide the kind of support we are asking for. We would be told at some later date: Well, you see, there was a budget cap here where we mandated we could not do any better than what the budget cap required of us. I think we will come back to rue those words. I think we will regret it deeply that we did not provide the kind of support being recommended by this distinguished panel of Americans.

If the tragic events in Madrid and London, the alleged plot to destroy the Holland Tunnel, and most recently the train bombings in India say anything to us at all, it is that we must renew and redouble our efforts to prevent and respond to terrorism here at home.

The Rudman report only underscores, in my view, the sense of urgency that we ought to have about protecting our country from the risk of terrorism. However, the needs of our communities far exceed the limited resources we have been given in this bill. Again, I have respect for Senator GREGG and Senator BYRD. They have a very difficult job. I will be the first to admit that.

In fact, what I am asking for in this amendment is to spend \$20 billion a year for 5 years, to hire, equip, and train first responders and to better pro-

tect our critical infrastructure from attack. This bill spends only roughly \$4 billion a year, only about a fifth of what we are told by the Rudman report is urgently needed.

Again, we are faced here with a point of order that I know will be raised against this amendment because it violates the cap. And I will be asking to waive that budget point of order when either my colleague from New Hampshire raises it or someone he designates does. But I am asking my colleagues, do not let yourself cast a vote here that I think we will come to regret down the road.

How many more warnings do we need to have as a nation? We are not isolated in the world. We are not that well protected. What happened in India, what happened in Madrid, what happened in London, what happened here only 5 years ago will happen again. We need to provide the kind of protection that our constituents demand of us.

The Rudman report must not become yet another report collecting dust on a forgotten shelf—and that is my fear—until once again we are struck and wonder why we did not take these steps called for in that report.

Let me read, if I may, briefly, the conclusions of the report. Listen to their words. If my words do not move you, listen to the words authored 3 years ago by the people on this distinguished panel of Americans, authored by the Council on Foreign Relations. Listen to what they said 3 years ago. And I quote them. They, and Senator Rudman, said the following:

The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on U.S. soil. The United States and the American people were caught under-protected and unaware of the magnitude of the threat facing them.

He goes on to say:

In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive the point home.

Madam President, I do not think any words can express the problem before us more clearly than those of Senator Rudman. It would be a terrible tragedy if it took another catastrophic attack to drive this point home.

I would also like to quote from the foreword of this report written by Les Gelb, who is the former president of the Council on Foreign Relations. Listen to what he had to say at the conclusion of that report:

As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the same time, diplomats, legisla-

tors, military and intelligence officers, police, fire, and emergency medical personnel, and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Again, I can stand here for the next hour and a half or 2 hours. I don't think any words I can utter are going to be as serious as the ones authored by Warren Rudman or Les Gelb. These groups, those that are somewhere in the world as I am standing here on the floor of the Senate, are preparing to attack us again. I know that. Every one of my colleagues knows that is going on. And simultaneously, there are people in Alaska, Connecticut, and New Hampshire that are doing everything they possibly can to protect us. Two groups, one wants to attack us; the other is trying to prepare against that attack. It is a race, and we are being asked by people who know what is going on to provide adequate funding so that the group that defends us will have the means to protect us.

I am asking for the fourth time in 3 years to break this cap and do what ought to be done to give our Nation the kind of protection it deserves.

In October 2002, several months prior to the issuance of the Rudman report, the Council on Foreign Relations convened yet another task force, the Independent Task Force on Homeland Security, which issued the report "America: Still Unprepared, Still in Danger." This task force was cochaired by Senator Rudman and another of our former colleagues, Senator Gary Hart of Colorado. They came to the general conclusion:

America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

The report further warned:

America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist [and] the risk of self-inflicted harm to America's liberties and way of life is greatest during, immediately, and following a national trauma.

Here we have two seminal reports issued within 8 months of each other, essentially sounding an alarm to policymakers. We are the policymakers. We the ones who have to make the decision as to whether or not resources are going to be there. We hear the alarm further strengthened each year by our States, localities, and first responders who request more resources to adequately protect those to whom they are entrusted. Yet for all practical purposes, the vast bulk of these reports and requests continue to fall on deaf ears here in the U.S. Congress.

The funding level I am proposing in this amendment is over \$16 billion. It is a huge amount of money. I recognize that. It supplements the approximately \$4 billion that the underlying measure

devotes to emergency responders and infrastructure security.

Together the bill and the amendment provide \$20 billion in emergency responder funding over the next year. Again, this is not my recommendation. This is the recommendation of these individuals who have spent a lot of time looking at the issue and believe this is what is necessary. In fact, they might argue for more because that recommendation was made almost 4 years ago. So there is no factor built in for inflation or other costs that may have increased. I assume that number, if they were writing it today, may be larger. But I will still use the number from 4 years ago.

I understand that the need for a budget resolution to set caps on appropriations bills. Effective budget resolutions are those that achieve balance. They curb reckless spending while providing sound investment in our domestic and foreign priorities. Unfortunately, I don't find the current budget resolution and the caps it has imposed as balanced at all. And while constraining our ability to invest adequately in our emergency responders and domestic security, the resolution is projected to increase the national deficit by \$296 billion in the coming year, principally because it seeks to make permanent tax cuts that are way too generous and that benefit primarily the most affluent in society.

The PRESIDING OFFICER. The Senator has used 14 minutes.

Mr. DODD. I thank the Chair. I will take another 5 minutes, if I may.

The report before us presents an uncomfortable reality that we have to face as a country. I certainly applaud the hard work that has been done, as I mentioned earlier. Yet as the tragedy in India vividly showed us on Tuesday, a nation, including ours, is invulnerable. We still possess weaknesses in our domestic security and our domestic infrastructure that must be strengthened. For over 3 years now we have possessed, in the form of the Rudman and Hart reports, a clear message from our most qualified experts that we need to do more to prepare ourselves. And while I recognize that this amendment is expensive, this cost will pale in comparison if we are hit and unprepared to respond to it. This cost will be minor.

We all agree that \$16 billion is a considerable sum. In fact, it represents roughly half the cost of the underlying bill. However, our country continues to spend between \$4 billion and \$5 billion every month in Iraq and Afghanistan, roughly a billion dollars a week. So we are talking about 16 weeks of investment, if you want to look at it in those terms, in Iraq as to whether or not we ought to be talking about similar investments here at the local level.

This is funding that would not be wasted. The Rudman report clearly states the need for more resources. The

demands we hear from our States and localities and first responders clearly state the need is there. Our ports have identified \$8.4 billion to meet Federal security requirements. That is their assessment. Our transit agencies have identified \$6 billion to make trains and buses and other forms of transit safer for passengers. Our firefighters and first responders demonstrate over \$4 billion in needs annually so that they may perform their critical duties more safely. That is the conclusion coming from our transit agencies, port authorities, and firefighters. Those are their recommendations.

Again, I have asked my colleagues in the past to be supportive. I have not succeeded when I have offered this. But I offer it again because of what happened just a few days ago, halfway around the world in Mumbai, India. How many more times do we have to be reminded of what can and is likely to happen here again and whether or not we will be prepared to respond to it.

Warren Rudman and the people who worked with him to make these recommendations are serious individuals. These are Democrats, Republicans, people who have served as distinguished public policy setters over the last 25 years, from the Central Intelligence Agency to the Secretary of State to the national security agencies. These are not people who casually recommend the numbers they have. They studied the issue carefully. They believe it is the proper amount to request.

I am taking their suggestions, their words, their numbers, and offering to my colleagues an opportunity to take a report that is serious in its intent, serious in its proposals, and asking my colleagues to endorse it by breaking down this cap and offsetting the cost by the means I have suggested.

At the appropriate time, if a budget point of order is raised, I will move to waive that Budget Act and ask for the yeas and nays so that my colleagues can be heard on this issue once again. I hope that on a bipartisan basis we can say to our colleagues who chair the committees and the subcommittees, my good friend from Washington, my good friend from New Hampshire—they do a tremendous job in this area—but I think the clear message from the Rudman report is that we need to do a better job. The American people expect nothing less. I will ask for a vote when that occurs.

I withhold the remainder of my time. The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I believe I have 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Madam President, I am a great admirer of the Senator from Connecticut. He is obviously a significant force within the Senate. He has a

lot of good ideas. He thinks big. This amendment is another example of that in some ways in that this amendment would cost \$16.5 billion. The bill we brought forward to the floor for Homeland Security is a \$32 billion bill. What he is suggesting is that we increase the authorized amount in this bill by half. It is for accounts which already have a large amount of money headed in their direction, first responder accounts.

We have spent, since we began this effort, over \$14 billion on first responders. Of that \$14 billion, however, that was authorized to be spent, only \$6 billion has actually been spent. In other words, the States and localities, which have the right to this money, have put in place plans to spend money for first responders, but they have only been able to plan in a way that was appropriate to the point where they have been able to use \$6 billion. So we actually still have \$8 billion in the pipeline before this bill is passed.

When this bill is passed, we are going to add another \$2.4 billion to the pipeline. So that instead of having \$8 billion available to be spent, we will be up to approximately \$10.5 billion that will be available and it has not been spent.

Now the Senator from Connecticut comes along and says we need to put another \$16 billion on top of that \$10 billion, when we already know that the communities and States haven't been able to spend effectively the money that is available already, plus the additional money that we are going to provide through this bill.

Yes, the Rudman Commission came forward with a series of proposals. Quite honestly, I am obviously a great admirer of Warren Rudman. He was my predecessor, and he was an incredibly strong and effective Senator. He has remained a significant force for a lot of good things, including national security issues, intelligence issues. And his work maintaining the integrity of the financial community has been exceptional. But the report that they put together is a bit stale in many ways because of all the money we put in the pipeline. It is also a touch stale because if you really wanted to spend \$16.5 billion on top of the money that we have in this bill, I am not absolutely sure that I would put it on top of the money that is sitting there because it wouldn't get used that quickly.

If you really want to provide these types of resources and you want to raise taxes to do so, you might want to put it on the border, into the Coast Guard, into intelligence. If you want to stop the next attack, the way you will stop it is through intelligence and through border security, especially if you are looking at weapons of mass destruction.

There are things that need to be done that maybe could use some more resources. To put \$16 billion on top of \$10 billion which hasn't been spent yet and

say you have solved some problem, I don't think solves any problems, quite honestly. I think it is a statement, yes. But these cities and towns in the next year aren't going to draw down the \$10 billion that is available to them so they are certainly not going to draw down the \$16 billion.

My view on the first responder issue has been that we put so much money in the pipeline that it is sort of like putting a fire hose in the system. They haven't been able to handle the money yet. As they work through the system and can handle that money, then we will put in more money.

I am willing to raise first responder dollars, although we have done a pretty good job in this account already with \$2.4 billion. But I don't want to use resources that can get me an instant bang for the dollar, such as putting a new Border Patrol agent on the border, which is what we have done, rather than put in a dollar that is going to sit in the Treasury for 2 or 3 years while communities get their act together.

I don't think from a policy standpoint this type of expenditure is necessarily the priority I would choose. From a pure budget standpoint, let's face it, this is the biggest increase I have seen proposed on this bill. There have been others. Senator BIDEN proposed to add a billion dollars of new money for rail transit, but this is \$16.5 billion. That is a huge amount of money.

The title of the amendment says it is going to be paid for by tax increases. It doesn't say what tax increases. The Senator from Connecticut says we are going to be taxing the rich. The amendment doesn't say it is going to be taxing anybody. Its title says it is going to tax. There is no operative language for taxes.

So it is actually not even paid for. It is not paid for under the terms of the amendment. In my opinion, this type of tax-and-spend amendment is not justified, and it is very hard, in the context of the budget process and in what we have already done in these accounts, to justify. I oppose it.

At the proper time, I will make a point of order against the amendment as exceeding our budget cap. I don't think the policy demands it, and I certainly think the number is far out of anything that is logical in the context of what we are trying to deal with relative to setting up homeland security and making sure it is effectively pursued in this country.

At the termination of this debate, I hope we can get to a vote on Senator VITTER and Senator DODD. We are waiting to hear from the other side of the aisle whether they are going to allow us to vote on Vitter. I think in the next 5 minutes we may have a couple of votes. We are still awaiting word, for the information of our colleagues.

I reserve the remainder of my time

Mr. DODD. How much time do I have remaining?

The PRESIDING OFFICER. One minute 14 seconds.

Mr. DODD. Let me quickly attempt to rebut my friend from New Hampshire on these issues. I didn't make up these numbers. These are from our States and localities. They are telling us these are their needs; it is not just in the Rudman report. Their request of 4 years ago, based on the cost of items they thought were necessary then, has obviously gone up. Our ports identified \$8.4 billion. That is not my request. These are serious people who are running our ports across the country. They need \$8.4 billion to meet Federal security requirements; transit agencies, \$6 billion. That is what they are telling us they need; firefighters, first responders, an additional \$4 billion. Even by the chairman's estimation, we are \$10 billion short of what needs to be done. I expect they are certainly making an effort, but it falls way short of what we are being told are the needs across the country.

Again, I am prohibited from getting too specific about this. My colleagues on the committee can make that decision. I think I am correct in that, but I suggest that if you were to ask patriotic Americans who have incomes of more than a million dollars a year whether they would be willing to forgo some of the tax break they are getting—not a tax increase but some of the tax break they are getting—to pay for this, they would agree.

We are spending \$1 billion a week in Iraq alone. This is calling for \$16 billion—16 weeks of what is spent for the effort in Iraq—to make us more secure at home. I don't hear any great complaints about the billion dollars a week we are spending in that particular effort. Yet we cannot find the resources to make us more secure at home.

I urge my colleagues to be supportive of the amendment. I ask unanimous consent to add my colleague from Connecticut, Senator LIEBERMAN, as a co-sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I believe I have about 3 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Madam President, I wish to reiterate the fact that we already have \$8 billion in the pipeline. We are going to have \$10.5 billion, which has not been spent after this bill is passed. This amendment is a \$16 billion plus-up on a bill that cost \$32 billion. It is a massive expansion. It will basically be going into an account at Homeland Security and won't be spent because they cannot spend the money they already have. It is a proposal that is simply not going to have the policy impact the Senator hopes for.

I know the Senator has alluded a couple of times to how much we are

spending in Iraq, which is an immense amount of money. But we have soldiers on the ground in Iraq. We have equipment that has to be replaced there. We are fighting a war in Iraq. So I am sure the Senator isn't suggesting that we take the money from Iraq and move it over to the Homeland Security Department. I am just using that as an example. But the war in Iraq is being fought within the context of the budget. In this instance, this would be way outside of the budget.

With that, I yield back the remainder of my time and make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. DODD. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 38, nays 62, as follows:

[Rollcall Vote No. 197 Leg.]		
YEAS—38		
Akaka	Inouye	Mikulski
Bayh	Jeffords	Murray
Biden	Johnson	Obama
Boxer	Kennedy	Pryor
Byrd	Kerry	Reed
Cantwell	Kohl	Reid
Clinton	Landrieu	Rockefeller
Dayton	Lautenberg	Salazar
Dodd	Leahy	Sarbanes
Durbin	Levin	Schumer
Feingold	Lieberman	Stabenow
Feinstein	Lincoln	Wyden
Harkin	Menendez	
NAYS—62		
Alexander	Crapo	McCain
Allard	DeMint	McConnell
Allen	DeWine	Murkowski
Baucus	Dole	Nelson (FL)
Bennett	Domenici	Nelson (NE)
Bingaman	Dorgan	Roberts
Bond	Ensign	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Snowe
Carper	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Conrad	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	

The PRESIDING OFFICER (Mr. ENSIGN). On this vote, the yeas are 38, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. GREGG. Mr. President, at this time what we are going to do—and I will make a unanimous consent request

to this effect—is we are going to recognize the Senator from Maryland to make two points on germaneness: one relative to Senator SANTORUM's amendment and one relative to Senator KYL's amendment. At the conclusion, we are going to recognize the Senator from Texas for up to 10 minutes. Then we are going to recognize the Senator from Maine for up to 20 minutes. I ask unanimous consent that what I have stated be the order.

At the same time, I further ask unanimous consent that while this action is pending, I not lose the right of priority relative to making a second-degree amendment on the Vitter amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Mr. President, reserving the right to object, the Senator from New Hampshire did not provide me any opportunity to respond to the Senator from Maryland. I would like 2 minutes to respond.

Mr. GREGG. Mr. President, I would amend the request to have the Senator from Pennsylvania speak in response to the motion of the Senator from Maryland for up to 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, I thought the request on this side was going to be—

Mr. GREGG. And the Senator from Maryland, in making his motion, will have 3 minutes to debate them, or respond.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, and I do not object to that, but I ask that following the Senator from Maine, the Senator from New Jersey, Mr. MENENDEZ, have 20 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as modified?

Without objection, it is so ordered.

Mr. SARBANES. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending amendment is the Kyl amendment.

Mr. SARBANES. I would ask the chairman of the committee, does he want to do the Kyl amendment first?

Mr. GREGG. Mr. President, I think that is probably a good idea, to do the Kyl amendment first.

AMENDMENT NO. 4643

Mr. SARBANES. Mr. President, I make a point of order that Kyl amendment No. 4643 is a rule XVI violation. It is legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained.

Mr. SARBANES. And the amendment falls, I take it?

The PRESIDING OFFICER. And the amendment does fall.

Mr. SARBANES. Mr. President, what is now the pending business?

The PRESIDING OFFICER. The Santorum amendment is now pending.

AMENDMENT NO. 4575

Mr. SARBANES. Mr. President, I make a point of order that the Santorum amendment No. 4575 is a violation of rule XVI. It is legislation on an appropriations bill.

Mr. SANTORUM. Mr. President, as Senator KYL and I discussed earlier, this is an attempt to try to find an offset to basically increase the cap for this appropriations bill by finding an offset of a little over \$200 million so we could fully fund the border security request from the President, from the Department of Homeland Security, for 2,500 border guards and increase the detention facilities to the amount that the President requested in his budget. This amount comes from a provision that lifts the cap on the number of reverse mortgages that will be available to our seniors to help them provide for themselves where they have a high amount of equity in their homes and not a sufficient stream of income. So what this legislation would do is provide that initial income by allowing more reverse mortgages to be authorized from the Department of Housing and Urban Development.

Unfortunately, we did understand this is subject to a point of germaneness, but this is good public policy, and it has bipartisan support. It happens to come up with basically the amount of money that we needed to provide for both fully funding border guards and fully funding detention facilities. So my hope was that—as is the case in many appropriations bills—we set aside the issue of germaneness, and we deal with the substantive issue, which is this is good public policy and it accomplishes another good public policy, which is to provide for the border guards.

I am disappointed that the point of germaneness was raised. There certainly is a point to be held here. I was hoping that it would not be raised and we could vote on the merits of the bill. I think it is an unfortunate occurrence, but the Senator has the right to make that point of order.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I have no problem with the purpose in terms of the program that the Senator from Pennsylvania wishes to implement, but I think this is a classic example of why we should not legislate on appropriations bills. This cap was increased last year from 150,000 to 250,000 reverse mortgages for senior citizens. Yet, there have been some reports of some concerns that there is a certain amount of fee gouging taking place with respect to senior citizens. This amendment would remove the cap altogether. It seems to me that there ought to be an effort to look into and address some of these concerns rather

than just further increasing the program.

This is an important program for senior citizens, and we are hopeful it is working. We have been testing it out. We had an original cap of 150,000. Subsequently, this was raised to 250,000. The amendment also, of course, increases the loan limits. So there are some very substantive changes being made by this proposal with respect to this program. It seems to me it calls for the invoking of rule XVI and an opportunity to examine the substance of the program in a more careful way. That is the basis of raising the rule XVI point of order. I think this fits classically into the rationale for that ruling being part of the rules of the Senate.

Mr. SANTORUM. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 1 minute. Mr. SANTORUM.

Mr. President, again I respect the Senator's right to do this. Certainly a point of germaneness lies here. I suggest this legislation is supported by every senior group of which I am aware—AARP, mortgage bankers, a whole host of other organizations that see this as a tremendous opportunity to help low-income seniors who have equity bound up in their homes and have no way to access that in an affordable fashion.

This is a regulated area. I know we had a hearing of the committee not too long ago to look at this. HUD is concerned about fees, as the Senator from Maryland said. But they feel very comfortable that this is a program which can and should be expanded. While it doesn't look as if we are going to get this accomplished today, hopefully we can get it accomplished in the future. The House did adopt it in the TTHUD bill over in the House to help provide additional resources in the TTHUD bill in the House. Whether we get this accomplished here today or in the House bill, I am hopeful this legislation can move forward.

Mr. SARBANES. Is there time remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SARBANES. I say briefly, I hope in any effort to expand it we can address the concern that has been expressed about fees, including by HUD itself, because, although this is a very good program and it is very important to seniors, in the course of this program being utilized we don't want to start drifting down the path of predatory lending—I guess I would call it reverse predatory lending. That is why I believe we need to include that kind of analysis in any expansion of the program.

The PRESIDING OFFICER. All time has expired. The point of order is sustained and the amendment falls.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, yesterday I offered a commonsense amendment that would help secure our broken immigration system, at least in part. This is an amendment which would have helped the Department of Homeland Security and the Border Patrol execute what is known as catch and return—or expedited return—rather than the current catch and release program that the Department has been engaged in when it comes to people who come illegally into our country from places other than Mexico.

Last year, 1.1 million people were detained coming across our southern border, and approximately 165,000 of those came from countries other than Mexico. The fact is that South America, Central America, and Mexico itself have become a land bridge for people from around the world seeking to come through our southern border into the United States.

The only way we are going to be able to begin to deal with this is to create a real deterrence that convinces people that if they attempt to immigrate illegally across our southern border, they will not only be detained but they will be returned to their country of origin without any delay.

Because of a lack of personnel and because of inadequate policies, we have had what has literally come to be known as a catch and release policy. In other words, people who come from Mexico can be returned literally the same day. But if you come from countries other than Mexico, it takes on average about 2 months to return those individuals to their country of origin because of the need to process the paperwork, get permission of that country to return the foreign national to that country, and the like.

The Secretary of the Department of Homeland Security, Michael Chertoff, has specifically said that this is a key to the success of our expedited removal program, which will finally allow us to create some deterrence when it comes to fixing our broken immigration system and border security controls.

I ask unanimous consent that Secretary Chertoff's letter of March 27, 2006, endorsing this amendment's approach be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Specifically what this amendment would do is deal with El Salvadoran immigrants who are the subject of the so-called Orantes injunction. This was issued by the Federal court in Los Angeles in 1988, and still exists today, which inhibits the Department's ability to use expedited removal when it comes to Salvadorans. It is clear when you compare the track record for the Salvadoran population as opposed to those from other countries that expedited removal works.

But for this injunction, which impedes the ability of the Department to use the expedited removal, I believe we would see a tremendous level of deterrence which would help, in connection with everything else we are doing, to discourage illegal immigration into our country.

The only reason I stand here today and am talking about this amendment and I am not able to ask for an up-or-down vote on this amendment and to implement this request from the Department of Homeland Security which will help us fix our broken border security system, which will allow us to use expedited removal, is because the Democratic leader sought, by use of a procedural motion last night about 6 o'clock, to make a set of circumstances where we could not have a vote on that amendment.

I think this is another test, a test of our will, a test of our national resolve to fix our broken immigration system and to secure our borders. Unfortunately, due to the action of the Democratic leader yesterday, I believe that is a further indication that we are failing that test.

The American people want us to act decisively to fix this problem. They recognize this is a Federal issue, that only the Federal Government can deal with our international borders and provide the kind of security that will allow us to know who is coming into our country and why individuals are getting here. We know many of them want to come here to work, to seek a greater opportunity. We all understand that on a very human level. But the same porous borders that allow workers to come across allow gang members, allow common criminals, narco-traffickers, and, yes, even terrorists to enter our country without our knowing it only to do their mischief at a later time.

I believed it was incumbent upon me to come to the Chamber to explain my deep disappointment in this procedural move that was engaged in by the Democratic leader yesterday, which has denied us an opportunity to have a vote on this important amendment, one endorsed by the Secretary of the Department of Homeland Security and one which I believe is absolutely essential to our restoring credibility to our border security efforts by enabling our Border Patrol to use this well-recognized mechanism of expedited removal and deterrence.

I yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, March 27, 2006.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: Thank you for your support of critical injunction reform legislation, which will significantly enhance our ability to end "catch and release" of

non-Mexican illegal aliens apprehended on the Southwest border. We urgently need Congress to pass this legislation so that we can ensure that long-outdated court decisions do not frustrate our efforts to secure the border.

We have made great strides in increasing the number of non-Mexican illegal aliens detained for removal along the Southwest border. Indeed, most individuals from Central and South America, other than Salvadorans and family groups, are now detained for prompt removal upon apprehension at the Southwest border. But we are stymied in making further progress because of a 1988 court order that has impeded our ability to quickly remove Salvadorans caught after they illegally cross our borders.

This 1988 court decision was issued at a time when El Salvador was in the midst of a civil war and when immigration was governed by very different statutes, yet it continues to dictate our handling of Salvadorans. On November 17, 2005, we fully explained to the district court the dramatic changes in the facts and law that have occurred since the entry of its perpetual injunction in 1988. We asked the district court to lift its order in November, but we have no firm date for when this process will reach its conclusion in the district court or on appeal.

Other longstanding civil injunctions, including one that was issued 30 years ago, likewise impede our ability to effectively enforce the immigration laws. These district court decisions have created onerous operating procedures requiring the commitment of vast amounts of government resources. They detrimentally impact immigration enforcement on a daily basis and often frustrate our efforts. One such other order has resulted in the creation of extra procedures requiring substantial additional resources for routine visa processing. Another injunction has resulted in certain Freedom of Information Act requests being given priority over other pressing work. Invasive court-ordered requirements, for all practical purposes, hamstringing the authority of the President and the Congress over the borders. Yet the conditions which gave rise to such requirements may have changed.

Under current law and court procedures, it can be extremely time-consuming and difficult to end these injunctions. With this legislation, Congress will be taking significant steps to ensure that we are no longer hostage to these old, out-of-date, court orders.

Because of the urgent need, I strongly encourage you to attempt to move this legislation both as free-standing legislation and as an amendment to the pending immigration bill. Without such legislation, we simply cannot end the "catch and release" policy for illegal immigration.

Thank you again for your support of our efforts to end "catch and release," so that we can take a major step toward complete control over our borders.

Sincerely,

MICHAEL CHERTOFF,
Secretary.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for 20 minutes.

AMENDMENT NO. 4634

Ms. COLLINS. Mr. President, I rise to speak in opposition to the amendment offered last evening by the Senator from New Jersey, Mr. MENENDEZ. To me, this feels like Groundhog Day. Last year on this very bill the Senate

debated exactly the same issues regarding the funding for the Homeland Security Grant Programs. The proposal last year, with the exact same minimum as the Menendez amendment, was soundly defeated. Senator LIEBERMAN and I offered an alternative that was agreed to by a vote of 71 to 26.

The chart I am going to display explains it to our colleagues. The Menendez amendment would slash homeland security dollars for 36 States and the District of Columbia. It would take funding from 36 States and hand it over to 14 States—14 States that already receive more than 70 percent of the funding.

I am particularly surprised that this amendment is being offered after the widespread criticism and outrage over the funding allocation decisions by the Department of Homeland Security just a few weeks ago. I have told Secretary Chertoff that I believe he achieved what I would have thought was impossible: he made both New York and the State of Maine equally unhappy with his allocation decisions.

Many of the advocates for this amendment criticized the way in which the Department used its discretion to distribute funds. I share in their criticism. Their concerns are understandable, but their proposed solution is absolutely baffling because it would give even more discretion to the Department of Homeland Security to decide, with virtually no guidance, how to allocate these funds.

The Department has clearly demonstrated that it has a long way to go in perfecting a risk allocation methodology. Indeed, if you look at the recent inspector general's report from the Department on critical infrastructure, which was used in part to help determine these funding allocations, you will see that the Department has a very long way to go in coming up with a worthwhile risk-based system.

On that list of critical infrastructure was a petting zoo, for example, an ice cream shop, a doughnut shop. This is part of our critical infrastructure, absolutely essential assets? Yet the amendment offered by the Senator from New Jersey provides virtually no guidance on how a risk-based formula would work. By contrast, the legislation approved by the committee I chair puts forth risk factors that the Department should weigh.

The Menendez amendment simply hands the reins over to the same Department that was so widely criticized in its funding decisions. The result of the approach of Senator MENENDEZ will be that more funding will be given out under a flawed and inexact methodology. That is exactly why we still need to maintain a healthy State minimum, to assure that flawed distribution methods do not lead to gaps in our security system.

The minimum in the amendment offered by the Senator from New Jersey,

.25 percent, is simply too low. It slashes by two-thirds the Homeland Security grants that every State is now guaranteed. Under his amendment, each State would be assured of only a little more than \$2 million, for both the State Homeland Security Grant Program and the law enforcement program for this year. Compare that with a minimum allocation of slightly more than \$7 million for fiscal year 2006 and \$9 million the year before.

Again, let me emphasize this. Under the Menendez amendment, each State would be assured of only a little more than \$2 million for homeland security, prevention, and response needs. That is a 72-percent cut in guaranteed funding to each State. I encourage my colleagues to talk to the emergency managers in your State, to talk to your first responders, your police officers, firefighters, emergency medical personnel, to find out what gaps in homeland security would be left unfilled if they faced such a sharp and massive reduction.

If we are going to become better prepared as a nation, each State must receive a predictable and reasonable base allocation of homeland security funding. States need a predictable base level of funding each year in order to support multiyear projects such as creating interoperable communications networks or first responder training regimes on a natural basis.

Risk-based funding, if distributed properly, certainly is important, and I support it and have proposed it. But it doesn't take away the need for this steady funding stream so that every State can bring its security up to a base level.

Let me give you perhaps the best example of the need for multiyear, steady, predictable funding, and that is the interoperability of first responder communications.

I am sure you recall, Mr. President, that the 9/11 Commission pointed to the lack of compatibility in communications equipment as contributing to the loss of life on 9/11.

The investigation that the Senate Homeland Security Committee did into the failed response to Hurricane Katrina demonstrated beyond any doubt that there is still a major problem. We saw different parishes in Louisiana using incompatible communications equipment that slowed and hampered the response to victims.

The National Governors Association reported last year that 73 percent of States have not developed Statewide communications interoperability networks. That is a complicated, expensive and multiyear process.

That is exactly the kind of goal—the interoperable communications network—that the steady, predictable funding from the Homeland Security Grant Program is designed for.

The National Governors Association during last year's debate wrote to me saying:

To effectively protect our States from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, deter, respond and recover from a terrorist act. For that plan to work, it is essential that it be funded through predictable, sustainable mechanisms, both during its development and its implementation.

It is important to know that current law requires States to develop a 3-year homeland security plan. Multiyear planning is critical to developing a successful prevention and response strategy. Yet, if we are going to ask States to plan 3 years out, we have to be prepared to guarantee them a predictable base level of funding.

When we talk about the significance of preventing the next terrorist attack, it is important to note that terrorists often stage their operations training and hideaway from their most obvious targets.

This hits home to those of us in Maine because two of the terrorists that flew the plane into the World Trade Center on 9/11 started their journey of death and destruction from Portland, ME, a city of approximately 65,000 people. That is where they started.

Just think if they could have been apprehended in Portland and maybe the number of lives that could have been saved.

As the publication of the International Association of Chiefs of Police notes, several of the terrorists involved in the attack had routine encounters with State and local law enforcement officials in the weeks and months prior to the attack.

If the State, tribal and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike. We must provide State and local law enforcement with the tools they need to keep our country secure.

I note that it isn't only the two terrorists who started from Portland, ME that are good examples of terrorists hiding or training or transiting through rural areas. The 9/11 Commission told us that two of the terrorists, for example, were in Norman, OK, and others were in Norcross, GA.

All of these examples illustrate the vulnerability of towns and cities across America while highlighting the need for effective cooperation among all levels of government.

The Menendez amendment takes rational evaluations of need or effectiveness out of the distribution methodology. I hope my colleagues will take a close look at the exact language of the amendment offered by the Senator from New Jersey. I think they will be very concerned by that language if they do so.

This language factors out of the funding equation consideration of whether an area actually needs funding or whether it has a plan to spend the funding effectively.

That is an invitation to waste, fraud, and abuse if ever I have heard one.

The amendment would inevitably lead to more wasteful spending. It assures that we will hear about more cases of first responders' dollars being wasted.

For example, New Jersey spent a small fortune worth of dollars that were supposed to go for homeland security purposes on air-conditioned garbage trucks.

That is the kind of waste that we want to avoid. But when you take out any consideration of need, of effectiveness, of planning from the formula, that is exactly the kind of wasteful spending you are going to get.

The RAND Corporation recently cautioned us that homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities and rural areas.

The report recognized that much of the Nation's critical infrastructure—water plants, for example, or chemical plants and other potential high-value targets—is located in rural areas.

We all know of the threat of a terrorist attack on our food supply. That is another example.

There are so many rural hospitals which have shown that they are unprepared. I could give you example after example.

But, surely, it makes no sense to give the Department of Homeland Security, which has already proven that it does not have the systems in place to handle an allocation that is based on the Department's interpretation of risk—surely, it doesn't make sense to give discretion to the Department. But that is exactly what the Menendez amendment would do. It would give more discretion. It strikes any consideration of whether an area needs the funding, whether it has a good plan for the funding, and whether the funding will be used effectively.

The Menendez amendment will hurt our national efforts to protect our country from terrorist threats. It will leave most States worse off. It leaves the District of Columbia worse off than under current law.

Under his amendment, each State would be assured of only a little more than \$2 million for both State Homeland Security Grant Programs and the law enforcement programs this year.

Again, I compare that to a minimum allocation of approximately \$7 million last year and \$9 million the year before.

Thirty-six States and the District of Columbia would be clear losers.

The Department would be given more discretion—discretion it has already

shown it cannot handle. And this amendment, because it does not consider need and effectiveness and does not set out criteria for the Department to use, would result in additional wasteful spending.

I reserve the remainder of my time.

Mr. GREGG. Mr. President, I understand the Senator from Vermont wishes to speak. I presume the Senator from New Jersey has 20 minutes reserved under the previous order. I believe the debate should go forward, but I wish it would go forward with the unanimous consent that I continue to reserve the right to protect my second-degree position.

The PRESIDING OFFICER. That is part of the standing order.

Who yields time?

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 2 minutes on an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I join my colleagues from Maine and Connecticut in opposing the Menendez amendment, which seeks to change the formula for the State Homeland Security Grant Program. The chairman and ranking member of the Homeland Security Committee have fought tirelessly to ensure that every State is prepared for a major disaster.

I am pleased to be an original cosponsor of their bill, S. 21, the Homeland Security Grant Enhancement Act, which strikes a fair compromise on this issue. This legislation passed the Senate by an overwhelming majority last year as an amendment to the FY 2006 Homeland Security appropriations bill. Thanks to Senator COLLINS and Senator LIEBERMAN, the Senate has taken a strong position on the need for a consistent, guaranteed line of homeland security funding for each and every state.

I strongly advocate the .75 percent minimum, which is guaranteed under current law. Hawaii and every state needs to develop a preparedness baseline, so residents are cared for in the event of a disaster. I fear that reducing the State minimum to .25 percent will severely impact the homeland security preparedness and response capabilities for much of the United States.

The sponsors of this amendment argue that the distribution of the majority of homeland security funding should be left to the discretion of the Department of Homeland Security. However, we all remember what happened in May when DHS rolled out its new risk-based funding model. New York and Washington, DC took a huge funding cut.

After enduring a 30 percent cut, my home State of Hawaii received little more than what the current state minimum guarantees. I oppose putting the

people of Hawaii at risk by reducing the legally required minimum any further. Hawaii is an island state, 2,500 miles from the U.S. mainland, which requires us to be self-sufficient in the event of a disaster.

As I said before, the Senate has already opposed the .25 percent minimum being debated today. I urge my colleagues to uphold that vote. I urge opposition to the Menendez amendment.

The PRESIDING OFFICER (Mr. GRAMHAM). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I would have hoped we could come together on this amendment. I do not consider it an effort to pit States against States.

I heard the distinguished chairwoman of the Committee on Homeland Security refer many times to the 9/11 Commission. The 9/11 Commission's unanimous bipartisan recommendation said all Homeland Security funding should be driven by risk, allocation should be driven by risk and strictly by risk.

Our amendment, however, does not take their conclusion, in recognition that States have responsibility and needs, to the ultimate conclusion of all money should be focused strictly by risk. It recognized that all States have some degree of responsibility within the context of a Federal mandate. It says, as the administration has said, that it should at least receive .25 percent of all of those funds. We are in line with what the 9/11 Commission said.

If we are going to quote the 9/11 Commission, then we should quote it in its entirety. Also, we are in line with where the administration's own recognition is.

In my mind, this is not small States versus big States, small cities versus large cities, rural versus urban. It is about risk. Very small States can have very big risk. Ultimately, they would be—if their risks are established as they believe them to be—beneficiaries at the end of the day with our amendment.

While the District of Columbia is obviously not a State, it is small in size and in population compared to many of the States of the Union, but it has great risk because it is at the seat of our Government, with national monuments and national landmarks. In fact, when it is driven based on risk, it should do much better.

To suggest I would offer an amendment that would hurt my own State, as I saw on that chart, is simply not the reality.

I understand a number of small States, for example, face great risks from nuclear plants, to ports, to dealing with security risks at their borders. Those risks, if we use risk assessment, will drive where the money should go.

Of course, risk can change in the future, depending on the nature of the threats we face.

Just as Members of this Senate are asked to support issues in the national interest, such as supporting our agriculture, protection from hurricanes, help after flooding, whether those issues impact our particular State, we and all Senators act in this respect in the national interest to support getting our Homeland Security dollars to the places at greatest risk. In fact, the Senator from Hawaii mentioned the cuts to communities such as New York City. When it is not based on risk assessment, that is the result we have.

I agree with those who have said that the Department of Homeland Security can do a far better job. We are in unanimous agreement with that. I looked at the list of national critical infrastructure. I look at some popcorn factories, some petting zoos. Those are in this infrastructure of which there is great risk. That obviously is not the case.

Ultimately, we need a process that drives our limited resources to where the greatest risks are and where the greatest threat is. Certainly, I believe that allocation as the 9/11 Commission called for in a bipartisan unanimous report, looking at all of the equation of Homeland Security and intelligence reform, is the way we should drive these moneys.

We are silent on effectiveness. We do not alter effectiveness as part of the equation. We stated so yesterday to the distinguished chairman of the Committee on Homeland Security when he asked us. As a matter of fact, our legislation says to the maximum extent practicable. It does not undermine the very essence of making sure we have effectiveness. We want effectiveness. But is there effectiveness when you are giving allocations of moneys for which there is virtually no risk in many parts of the country or a much lesser risk?

I hope those who come from small States but have big risks would actually be supportive of our amendment.

In my mind, I find it interesting there are those who continuously vote against the amendments that have been offered to try and raise the Homeland Security funding overall but suggest we should not distribute the existing funding based on risk. In my mind, our amendment is actually about creating a standard in which all—large and small, rural and urban, regardless of what part of the country—receive a baseline guarantee but also receive those moneys needed to deal with risk. Any formula is always subject to, when there is an element that is to be determined on the basis of risk, how well the executive branch operates, but that is true no matter what. We need to keep the executive branch's feet to the fire and make sure that risk is truly risk, not as we see on some of the lists given in terms of infrastructure in the country that clearly has no risk.

At the end of the day, to suggest we should have a general distribution formula of Homeland Security moneys when the September 11 Commission unanimously said that is not in the best interests of the country, that is not the best way to protect the country, and ultimately where those entities who complain they do not have the resources necessary to meet their homeland security challenge could get greater resources if their risks are, in fact, established, is to undercut the very essence of their argument.

I ask unanimous consent to have Senator CORNYN added as a cosponsor of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I strongly oppose the amendment offered by Senator MENENDEZ to drastically cut the base allocation of Homeland Security grants for all States.

I heard the statement of the distinguished Senator from Maine, Senator COLLINS. I associate myself with her words. She has stated it far more eloquently than I as to why this amendment should be defeated.

The Senator from New Jersey has the right concerns about the administration's underfunding of first responder assistance programs. His concerns are absolutely right. I happen to agree with him on those. But he has chosen the wrong target to try to fix that problem.

Senator MENENDEZ and his cosponsors are understandably outraged over how threat-based Homeland Security grants were recently distributed. If it were not so serious a situation, the recent explanation by Homeland Security officials and how they distributed these funds would be laughable. We are not debating the competence of Homeland Security. If we were, we would hear all the statements of Homeland Security that if there is a sudden terrorist attack, they are ready; had there been a sudden terrorist attack with no notice at all on New Orleans last year, they are ready to do everything possible to help the people. Of course, when they had a week's notice before Hurricane Katrina, they still have not responded. It is not their competence we are debating.

Yesterday, the Senate once again attempted to correct the Bush-Cheney administration's woefully inadequate request for Homeland Security. Unfortunately, the amendment of the Senator from New York, Senator CLINTON, to restore \$750 million for first responders' assistance, was defeated. I had voted for that. I am sure the Senator from New Jersey did.

Now we come to this amendment that purports to correct the blunders of the Homeland Security threat assessments by slashing the base amounts to every single State in the country. Un-

fortunately, as the Senator from Maine has rightly pointed out, this amendment does pit State over State in how to divide inadequate overall funding for Homeland Security.

That is not the way to correct the incompetence of the Department of Homeland Security's determination of how to allocate grants based on risk. It is the right issue; it is the wrong solution.

When the Senate last year considered a similar amendment proposing this misplaced change in support for first responders, the Senate soundly rejected it with 65 of our colleagues voting against it. The terrorist attacks of September 11 added to the responsibilities and risk of first responders nationwide.

I wrote the all-State minimum formula as part of the USA PATRIOT Act of 2001 to guarantee each State receives less than 1 percent—actually 0.75 percent of the national allotment to help meet the national domestic security needs. Every State, rural or urban, small or large, has basic domestic security needs and deserves to receive Federal funds to meet these needs and the new Homeland Security responsibilities the Federal Government demands. Large urban areas and high-risk areas have even greater needs, and they should be addressed. Both should be addressed.

I don't mean to be parochial, but my little State of Vermont, the second smallest State in the Union, is a State that borders another country. We are a State with a nuclear reactor. We have been called upon by the Federal Government to help out on border security, to help out because we are in a direct line from Canada down to two very large urban areas—Boston and New York. We are constantly getting requests to help. Our little State of 660,000 people, loyal Americans all, wants to help every way we can, but we are saying if we are asked to help out a whole lot of other States, at least let us have some basic help. Whether it is going to require us to put in new radio systems, telecommunications systems, or anything else, to protect not just us but to help protect other urban areas, let us do it.

I would remind everybody, when we had the tragedy of 9/11, for weeks after that happened, the air support over New York City, the armed response, the F-16s flying over New York City were flying out of Burlington, VT. Vermont provided people from our military, from our law enforcement, from everywhere else. We did not ask to be reimbursed, even though it cost us a lot. We responded within an hour. And it was the Green Mountain Boys who flew over New York City, providing that security at a time when nobody knew if there was going to be another attack. They did it around the clock. They did it with people canceling vacations.

We had one mechanic driving down the interstate with his family on their way to their vacation. He was a mechanic for the Air National Guard. He heard on the radio about the attack, and at the first place he could do a U-turn on the interstate, he did. He headed back. He told his wife and kids: Drop me off here; they are going to need me. I will call you when I get my first break.

And 3 days later, when he had an hour's break, he called and said: Send me some clean clothes. Don't take me home. Go back to your vacation. Send me some clean clothes. He kept on working.

Now, every State would have done the same. We respond. But if you pit States against each other, that ignores the real problem. The real problem is the administration has failed to make first responders a high enough priority. Congress, instead, should be looking to increase the overall Federal commitment to the Nation's first responders. We have plenty of money to spend on Iraq's first responders. Let's spend some of that money on the first responders of the United States.

The smaller States, especially, would never be able to fulfill those essential duties on top of their daily responsibilities without Federal support. My colleagues should be warned that if the minimum drops any further—and you compound that by the substantial drops in overall first responder funding—then small- and medium-sized States will not be able to meet those Federal mandates for terrorism prevention, preparedness, and response. Again, if we can send money to Iraqi first responders, let's find the money for American first responders.

After the terrorist attacks of September 11, we worked together in the Senate—Republicans and Democrats alike, from large States and small States, and we have done it with the other body—to meet the needs of all State and local first responders from rural and urban areas. Our fire, police, and rescue teams in each State in the Nation deserve support in achieving the new homeland security responsibilities the Federal Government demands.

The taxpayers in my State never questioned the fact that we would help in the disasters of Katrina or the disasters of 9/11. All States were in this together. But representatives of urban areas have been arguing that Federal money to fight terrorism is being sent to areas that do not need it, that it is being "wasted" in small towns. They have called the formula highly politicized and insisted on the redirection of funds to urban areas that they believe face heightened threat or terrorist attacks.

What critics of the all-State minimum seem to forget, though, is that since 9/11, the American people have asked all State—all State—and local

first responders to defend us as never before on the frontlines in the war against terrorism—a war that will not end in my lifetime or the lifetimes of the other Members of this body.

Vermont's emergency responders have the same responsibilities as those in any other State to provide enhanced protection, preparedness, and response against terrorists. We have to ensure that adequate support and resources are provided for our police, our fire, and our EMS services in every State, if we expect them to continue protecting us from terrorists or responding to terrorist attacks, as well as carrying out their routine responsibilities.

I understand the concerns of my friend from New Jersey. He is an extraordinarily able Senator, as he was an extraordinarily able Member of the other body. I have enjoyed our friendship, and I have enjoyed the fact that we have worked together many times. But I would say to him and others, do not foster divisions between States because that is going to ignore the real problem. The real problem is that the President has failed to make first responders a high enough priority. We should be looking to increase the funds to our Nation's first responders, not pit State against State.

We have seen cuts in State and local first responder formula grants in the Homeland Security Department by 59 percent—from \$2.3 billion in 2003 to \$941 million in 2006. That is \$941 million for all first responders in America for the whole year. That is about what we have spent this week alone in Iraq. This week already we have spent about \$941 million. That is what we are going to say we are going to spend for the whole year in the United States to protect us and to give our first responders the money they need. Now, those cuts—those huge cuts—are going to affect every State, whether it is a small State or a large State.

We are looking at another year of subpar funding for our State and local first responders. For 2007, the President proposes a 52-percent overall cut, or \$1.3 billion, in funding for State and local law enforcement agencies alone. That, incidentally, is about what we spend in 1 week in Iraq.

The Senate Homeland Security spending bill we now consider cuts both the Law Enforcement Terrorism Prevention Program and the State Homeland Security Grant Program by \$50 million each over the current year. Grants for high-threat, high-density urban areas—such as the ones the Senator from New Jersey is rightly concerned about; these are what the larger cities and metropolitan areas have been wrangling over in recent weeks—they face a \$20 million cut over last year and a \$140 million cut from 2 years ago.

These programs play a critical role for all States and communities for the

purposes of training, procuring equipment, planning, and conducting exercises. Clearly, the domestic preparedness funds available are insufficient to protect our people and prepare for and respond to future domestic terrorist attacks anywhere on American soil.

I am not saying we should not help the Iraqi people. I am saying, let's give at least the same kind of priority to the American people. It would be comforting if we could at least tell Americans their Government was doing everything possible and practical to keep them safe. We cannot truthfully tell them that. There is much left undone in securing our Nation. That is why we are not abandoning the small- and medium-sized States that suffer under this amendment. This came up last year. The Senate roundly rejected it last year. I hope it will again this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise, reluctantly, today in opposition to the amendment offered by my friend from New Jersey. I agree with my colleagues—certainly, with the Senator from Vermont and the Senator from Maine, and others who have spoken against the amendment—that it is not the right path for us to follow.

I will say this, though. I agree with my colleagues who do support this amendment when they say that places such as New York and Washington, DC, are the most vulnerable to terrorist attack. Unfortunately, that is true. These are places that were attacked 5 years ago on 9/11, and they are surely the targets foremost in the minds of those who want to do us further harm. Those places deserve more first responder aid than other communities, including communities in my own State.

What my colleagues who support this amendment ignore, however, is that communities across the Nation face some vulnerability to terrorist attacks as well. This amendment would cut first responder aid for all but the largest communities by two-thirds or more. And with all due respect, I do not believe that is responsible. I could stand here today and list all the places in my own State of Delaware that I think are especially vulnerable. I will mention a few.

Delaware is home to some of the largest chemical companies and plants in the country. Right across the river, we have three nuclear power plants. They are closer to my home than they are to any of the Senators or the Governor of New Jersey, for that matter. We have I-95 that cuts right through my State, carrying all kinds of cargo, including hazardous cargoes. The Northeast Corridor of Amtrak runs right through my State. We have two major rail lines, all of which carry hazardous and dangerous cargo from time

to time. We have all kinds of shipping going up the Delaware River, which divides Delaware and New Jersey. The cargo it carries is dangerous as well. Frankly, a lot of it is an attractive target for terrorists, those who would do us harm.

And everybody else, probably, in the Chamber today, or those who will be showing up to vote in a few minutes, could say the same. They could go through a litany of similar kinds of concerns as to targets in their own States that would make them vulnerable, too. But that is not the point of this debate.

This debate is about whether we want States such as Delaware or States such as South Carolina or States such as Washington or States such as Arkansas or New Hampshire or others—that are represented on the floor at this moment—whether we want our States to have the resources we need to achieve even minimum preparedness, goals that are set by the Department of Homeland Security for our country.

We will not be able to achieve those goals in Delaware and in a number of other States with the cuts that, unfortunately, this amendment proposed by my friend from New Jersey would require.

From their inception, the State grant programs funded through this bill have directed some 60 percent or more of their resources to the largest most vulnerable areas. And we should do that. In addition, the Urban Areas Security Initiative directs even more money to the largest most densely populated cities. All of it is distributed based on vulnerability. There are not any cities in Delaware or in very many other small States that are competing for those funds.

What the amendment before us, regrettably, would do is tie the Department of Homeland Security's hands, forcing those who manage these grant programs to direct virtually every dollar we appropriate in first responder aid to a handful of States and larger cities. The Department officials would have no ability to consider whether a State or city actually needs the money they are getting or whether a grant recipient is even capable of spending those dollars effectively.

As I mentioned before, I am all for giving the most vulnerable communities more money. We should. This amendment, however, takes that worthy goal, in my view, several steps too far, taking a significant amount away from 36 States and, apparently, would even cut the allocation for Washington, DC. I do not think we want to do that either.

Every State has seen a decrease in first responder aid in recent years, as money has been diverted to other priorities. I do not necessarily agree with those decisions, but I certainly do not agree the solution to this problem that

this amendment before us suggests—that is, to jeopardize the security of citizens in States such as mine and dozens of other States similar to it across the country—is the course we should follow.

I will reluctantly vote no on this amendment and encourage many of my colleagues to do the same.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if there is no further debate on this amendment—maybe the Senator from New Jersey wishes to respond, but upon completion of his response, I would suggest that all debate on this amendment be deemed to have been completed and that at 12:45 we turn to an amendment from Senator SCHUMER and Senator CLINTON; that we have 30 minutes on that amendment, with 20 minutes for Senators SCHUMER and CLINTON and 10 minutes in opposition, controlled by myself; and that at the conclusion of that, Senator SESSIONS be recognized to offer two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, reserving the right to object, I wish to ask a question. Does that allow the remainder of the time I had reserved to be used by myself for the purposes of responding?

Mr. GREGG. Yes. And I believe Senator COLLINS has a little bit of time.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, if I could clarify, which of the Sessions amendments will be offered at 1:15?

Mr. GREGG. I cannot represent which ones. But he has five filed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. LIEBERMAN. Mr. President, I believe my friends from New Jersey, New York, others who support this amendment, and I share the same goals: we want to ensure that those areas of our country that are predictably at higher risk of terrorism receive enough support to prevent and, if necessary, respond to attacks; we want to make our Nation as a whole a safer place. Where I must respectfully disagree, however, is in how best to accomplish those goals. This amendment would not do so.

In May, when the Department of Homeland Security announced its 2006 homeland security grant awards, for States and also for urban areas, 48 States and the District of Columbia found they had lost money from the year before. Many of these States, Connecticut and New York included, lost substantial sums. This was not primarily because of a change in the formula, however; it was because funding

for these critical programs had been reduced by 29 percent. Since 2004, these programs have been cut in half, so there is increasingly less funding for all.

I was therefore disappointed yesterday to see the Senate reject Senator CLINTON's amendment—which both Senator MENENDEZ and I cosponsored—that would have restored some of this funding. The fundamental problem here is the shrinking pie, not how we divide it.

When Urban Area Security Initiative, UASI, awards were announced, I, like many others, was disturbed to learn that New York City and Washington, DC—the two cities that were the targets of the terrorists on September 11th, and two that by any common-sense measure remain among those at risk by terrorists—had suffered sharp, and seemingly inexplicable, cuts in their UASI grants. But this wasn't because UASI money is awarded to cities not deemed at risk. There is not now nor has there ever been a guaranteed minimum or formula for UASI grants. Within the UASI pot, one of the reasons that New York City's share went down was because the Department didn't want its grants to be used for what New York deemed to be an essential need: paying for law enforcement personnel to staff its anti-terrorism efforts. This amendment does not solve that problem.

Finally, as we should have learned—by now—the hard way, even in the best of circumstances, risk assessment is at least as much art as science. And I think most of us can agree that DHS's shifting methodology for calculating risk does not represent the best of circumstances. Thus we have learned that DHS has had trouble counting national icons and government buildings and figuring out which infrastructure really is critical.

I have also learned, in what will surely come as a surprise to my constituents in Greenwich and Stamford, that according to DHS, southwestern Connecticut is not even considered part of the New York metropolitan area. This despite the fact that 100,000 people each day commute from Connecticut into New York, that major rail and commuter lines connect my state with New York, and that when the terror alert level is raised in New York City, additional Connecticut State Police must be activated. And, of course, that on that tragic day nearly 5 years ago, 67 Connecticut citizens perished in the World Trade Center towers. DHS's risk assessment method, however, remains unable to account for the additional risk and demands of being part of the Connecticut-New York-New Jersey tri-state area. This amendment also does not solve that problem.

The fact is, the Senate has already approved legislation painstakingly negotiated within the Homeland Security

and Governmental Affairs Committee that represents a better approach. In S. 21 and in a nearly identical amendment to last year's Homeland Security appropriations bill which passed the Senate by a vote of 71 to 26—Senator COLLINS and I tried to balance support for cities and States at known high risk of a terrorist attack without sacrificing the security of locations that have not suffered in the past, but very well could in the future, and which are still critical to our preparedness and response.

While we provide more funding based on assessments of risk—we need to recognize that our intelligence is not perfect, that we do not know where or when terrorists will strike next, and that we must be on notice they could strike anywhere. The fact is, terrorists alter their methods of destruction. One day they may strike fortified targets such as military facilities, and the next day they may strike soft targets, as they did when they blew up a discotheque in Indonesia and took hostage an entire school in a small town in Russia. And how dare we forget what terrorists—though of the homegrown variety—did in Oklahoma City in 1995 striking a target in the middle of our Nation's heartland.

Common sense, therefore, requires us to continue to build basic capacity to prevent and respond to attacks wherever they may occur. And to build capacity over time, State and local officials need some predictability. They need to know when and how much assistance they are likely to receive from year to year if they are to plan and execute homeland security properly.

Were we to adopt the pending amendment, it would mean that each State would only be guaranteed to receive slightly over \$2 million this year a nearly trivial amount and short sighted in light of the significant national needs that we face. We know from Katrina that first responders will need to come from all over the country to respond to a catastrophic event, whether natural or manmade—and we need those responders to be properly trained and equipped. We know, too, that the next 9/11 attack on New York or Washington may be prevented by action taken in a town far away, where terrorist plotters are discovered by local law enforcement. Those local law enforcement officers also need access to intelligence, training, and resources to be most effective. In the end, we cannot simply build a wall around a few known high-risk cities—it not only leaves the rest of the country vulnerable, but it will leave the highest risk cities more vulnerable, too.

The problems with homeland security funding are urgent and real, but this amendment will not solve them. I urge my colleagues to vote “no.”

Mr. ROBERTS. Mr. President, I rise today in strong opposition to the

amendment proposed by Senator MENENDEZ.

While the Senator from New Jersey no doubt has the best of intentions in working to increase grant funding for high population areas, I do not believe that reducing funding for the majority of States in our great Nation is a viable way to protect against terrorism.

If we, as a country, are going to be adequately prepared for another terrorist attack, we must not forget that we are vulnerable on all fronts. The 36 States that would be negatively impacted by this proposal contain some of our Nation's most valuable assets.

In reducing funding to States such as Kansas, this amendment tosses aside the risks to agriculture that supports our Nation's food supply, the oil and petroleum facilities that provide invaluable energy in this time of need, and the many Federal buildings and places of national significance that are scattered throughout our great Nation.

We cannot let ourselves believe that if we only protect large cities and high population states, we will be safe from the devious and calculating minds of those who wish us harm. One need only look to Oklahoma City in this regard. Rather, preparing for what we expect in densely populated areas is a surefire way to be shocked and horrified should the inexplicable and unthinkable happen again.

This legislation has been considered in this Senate before, and it was defeated soundly. To add it now as an amendment disregards the hard work many have done to negotiate a funding formula that most benefits our entire country. We cannot afford to compromise the security of an entire Nation for the benefit of a few areas.

Mr. MENENDEZ. Mr. President, I appreciate the comments made by several of my colleagues, the distinguished Senators from Vermont and Delaware. I agree with them that one of the core issues is overall homeland security funding. There is no question about that. The No. 1 responsibility, certainly, of the Federal Government and of government in general is to protect its citizens. We are woefully underfunding the ability to protect our citizens, whether that is in the cargoes of our ports or the cargoes underneath our airplanes, whether that is in the context of first responders, interoperable communications, whether that is in the context of mass transit.

Unfortunately, in the wake of London, in the wake of Madrid, and in the wake of Mumbai, the Senate voted against amendments that ultimately would have increased the funding so that those wake-up calls would never be realized in the United States. That was the will of the Senate.

Several of my colleagues have actually made the case that their States have very significant risks, whether that risk is a nuclear powerplant by a

border with another country, whether that risk is chemical facilities right across the river, whatever those risks are. I find it interesting that our colleagues have come to the floor to make the case that they, too, have risks. We acknowledge that. We do not eliminate all funding for all States. On the contrary. We guarantee a baseline of funding for all States. But we say that the bulk of that funding, as it has been time and time again, even very recently, supported by Tom Kean and Lee Hamilton, the former chair and vice chair of the 9/11 Commission in a letter to House Members who offered legislation that, among other things, would make sure that all homeland security funding would be based on risk, as their unanimous bipartisan vote took place in the 9/11 Commission outside of the constraints of the politics of the situation—they made that conclusion. They still support that conclusion. That is the very essence of the Menendez-Lautenberg amendment. We understand. And we believe that those who have made the case for risk should do better because they have real risks. That is, in essence, what our amendment says. If you have the risk, you should have the resources.

I agree with all of my colleagues who said they deserve to have more funding to protect America and to protect Americans. That is certainly what I believe is the very essence of what we tried to do in the first instance by taking that money which we do have and focusing it on risk.

I ask unanimous consent that Senator OBAMA be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 4633; 4639; 4648; 4640; 4617; 4594, AS MODIFIED; 4570, AS MODIFIED; AND 4556. EN BLOC

Mr. GREGG. Mr. President, I would like to clear a series of amendments. All these amendments have been on file. Some have been modified. The amendments are at the desk. They are No. 4633, Senator ALLARD; 4640, Senator MURRAY; 4648, Senator LANDRIEU; 4639, Senator MURRAY; 4617, Senator LEVIN; 4594, Senator VOINOVICH, as modified; 4570, as modified, Senator LAUTENBERG; 4556, Senator FEINSTEIN.

I ask unanimous consent that these amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection to considering and agreeing to the amendments en bloc?

Mr. LAUTENBERG. Reserving the right to object, I am not sure if I had the full context of the Senator's request regarding the time remaining here.

I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4633

(Purpose: To require the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security to submit a report on the costs and need for establishing a sub-office in Greeley, Colorado)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than February 8, 2007, the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security shall submit a report to Congress on the costs and need for establishing a sub-office in Greeley, Colorado.

AMENDMENT NO. 4639

(Purpose: To provide that funds appropriated for United States Coast Guard Acquisition, Construction, and Improvement may be used to acquire law enforcement patrol boats)

At the appropriate place, insert the following:

SEC. —.

Notwithstanding any other provision of this Act, funding made available under title VII, under the heading UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS may be used to acquire law enforcement patrol boats.

AMENDMENT NO. 4648

(Purpose: To require a report on the location of Coast Guard facilities and assets in the Federal City Project in New Orleans, Louisiana)

At the appropriate place, insert the following:

SEC. _____. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasibility and advisability of locating existing Louisiana facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

AMENDMENT NO. 4640

(Purpose: To direct funds to construct radiological laboratories at the Pacific Northwest National Laboratory)

On page 104, line 9, strike "\$106,414,000" and insert "\$104,414,000".

On page 105, line 1, strike "\$712,041,000" and insert "\$714,041,000".

On page 105, line 7, strike "costs." and insert the following: "costs: *Provided further*, That \$2,000,000 under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory: *Provided further*, That funding will not be available until a memorandum of understanding between the Department of Homeland Security and the Department of Energy has been entered into."

AMENDMENT NO. 4617

(Purpose: To ensure that methodologies and technologies used by the Bureau of Customs and Border Protection to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport)

On page 127, between lines 2 and 3, insert the following:

SEC. 5. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term "Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

AMENDMENT NO. 4594, AS MODIFIED

(Purpose: To increase appropriations for emergency management performance grants)

On page 95, line 5, strike "\$205,000,000" and insert "\$220,000,000".

On page 120, increase the amount on line 9 by \$15,000,000.

AMENDMENT NO. 4570, AS MODIFIED

(Purpose: To require the Secretary of Homeland Security Inspector General to investigate the conduct of insurers in settling certain claims resulting from Hurricane Katrina)

On page 99, line 4, strike "Act." and insert the following: "Act: *Provided further*, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated: *Provided further*, That the Department of Homeland Security Inspector General may request the assistance of the Attorney General and the Department of Justice in conducting such investigation and may reimburse the costs of the Attorney General and the Department of Justice in providing such assistance from such funds: *Provided further*, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation."

On page 120, increase the amount on line 9 by \$3,000,000.

The amendment (No. 4556) is printed in the RECORD of July 11, 2006.

AMENDMENT NO. 4594

Mr. VOINOVICH. Mr. President, I rise to speak on amendment No. 4594 to the Department of Homeland Security Appropriations Act of 2007. I thank Senator GREGG and Senator BYRD for accepting this amendment by unanimous consent. Before I describe this amendment, I would like to acknowledge the hard work and leadership of Senator GREGG and Senator BYRD, and thank them for their diligence in coming to a consensus on this crucial piece of legislation. The balance between enhanced security and strong stewardship of the taxpayers' hard-earned dollar is a fine one. I applaud your attention to both, and I support this legislation.

The Emergency Management Performance Grant, EMPG, program is designed to provide State and local emergency management agencies with the necessary funds to expand the development, maintenance, and improvement of their programs. It is the only source of Federal assistance that provides vital emergency management, coordination, and planning support to State and local governments and first responders. It funds personnel, training, and exercises. The program requires that States match 50 percent of the Federal contribution. According to the Department of Homeland Security, EMPG funds are spent rapidly compared to other programs; in other words, if Congress appropriates additional EMPG funding, it will be used

expeditiously, efficiently, and effectively.

Last year the EMPG program was funded at \$185 million. In an effort to increase the sound management of homeland security funds, earlier this year I asked the Appropriations Subcommittee on Homeland Security to increase funding for the EMPG program. I am pleased that 41 Senators joined me on this request. The Department of Homeland Security Appropriations Act of 2007 funds the program at \$205 million.

While I am heartened by and thankful for the \$20 million increase in funding over last year's level, I feel strongly that the program should be further increased. Accordingly, this amendment would increase the funding of the EMPG program by an additional \$15 million. I am joined on this amendment by Senators BAUCUS, BIDEN, BURNS, CANTWELL, COLLINS, FEINGOLD, HARKIN, KENNEDY, KERRY, LIEBERMAN, MURRAY, PRYOR, ROBERTS, SNOWE, STABENOW, and WARNER. I thank them all for their support. It is my strong belief that an additional \$15 million for the EMPG program will enhance the effectiveness of every disaster relief fund dollar directed toward response and recovery.

Since 9/11, the responsibilities of our first responders have increased. They must now be prepared to respond to natural disasters, man-made disasters, and malicious acts of terrorism. We must support them. With the enhanced responsibilities, and the tight budget constraints currently faced by State and local governments, the flexibility provided by the EMPG program is vital.

I would like to describe some of the ways that EMPG funds help State and local governments. In Ohio and across the Nation, the emergency preparedness requirements have increased significantly since 9/11. For example, according to a 2003 study conducted by the Emergency Management Association of Ohio, approximately 10 percent of all emergency management employee time was spent on antiterrorism and homeland security activities prior to September 11, 2001. By 2003, that figure had shot up to 50 percent.

In addition, State and local emergency management agencies now are responsible for the coordination and implementation of national initiatives, such as integration of the National Response Plan into existing emergency operations plans and implementing the National Incident Management System. The EMPG funds the extra manpower and management support to help State and local governments meet these increased responsibilities.

Furthermore, in the aftermath of Hurricane Katrina, many States have identified the requirement to be to carry out mass evacuations in the event of catastrophic disasters. In-

creased EMPG funding will help State and local governments prepare these contingency plans.

According to the National Emergency Management Association, EMPG funds are used for a wide variety of purposes which vary State by State. In Alabama, EMPG funds play a critical role in helping the State develop its plans to respond to natural disasters, particularly hurricanes; grants are used for contingency planning, including evacuation plans, debris removal plans, and plans for postdisaster distribution of critical assistance to those affected by the storms. In Oregon, EMPG funds are used to upgrade key emergency operations centers for counties that face large hazards such as wild land fires, annual flooding, and earthquakes.

Increasing the funding for EMPG would help some States do even more. In Alaska, additional resources would be used to increase levels of emergency management personnel, which for some communities are currently only part-time positions. In New Hampshire, increased EMPG funds would be used to address the areas identified in the National Plan Review as either "insufficient" or "partially sufficient." This would include statewide evacuation planning, surge planning and capability, as well as further development of the State emergency operations plan.

In response to Hurricane Katrina, the EMPG program more than proved its worth. In a statement submitted to the Appropriations Subcommittee on Homeland Security, Bruce Baughman, the president of the National Emergency Management Agency, gave the following description of the mutual assistance provided by the Emergency Management Assistance Compact, EMAC, which is funded by the EMPG:

EMAC enabled 48 states, the District of Columbia, the Virgin Islands, and Puerto Rico to provide assistance in the form of more than 2,100 missions of human, military and equipment assets and over 65,000 civilian and military personnel and equipment assets to support the impacted states. The nature of the nation's mutual aid system vividly shows the need for all states to have appropriate capabilities for all disasters and EMPG allows states and local governments to build this capability both for their own use and to share in through EMAC.

The Appropriations Committee conference report for 2006 concurred with this assessment, noting that "EMPGs are vital to state and local emergency management agencies."

This year, the Senate Homeland Security Appropriations Subcommittee report concluded that "EMPG is an essential source of funding for state and local emergency management," and that "state and local governments currently have productive relationships with the Federal Emergency Management Agency's regional emergency managers that are critical to maintain

an all-hazards response capability," and that the committee "expects these relationships to continue." The subcommittee further noted that:

Additional federal funding is necessary to properly support state and local responsibilities and coordinate with federal emergency management during national disasters.

In closing, Mr. President, State and local governments must be prepared. The EMPG program is a proven method of accomplishing this goal. This amendment is both fiscally responsible and strategically sound.

I thank Senator GREGG for working with me to identify an appropriate offset for this increased funding. Once again, I applaud the efforts of the Homeland Security Appropriations Subcommittee, especially in light of the tight fiscal environment.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

AMENDMENT NO. 4634

Mr. LAUTENBERG. Mr. President, I rise to speak on behalf of the amendment offered by my colleague from New Jersey, Senator MENENDEZ. I want to make sure there is a clear understanding about what we are discussing. It has been said before—it is worthy of repetition—that 700 of the almost 3,000 people who lost their lives on 9/11 came from the State of New Jersey. The largest remaining share came from the State of New York. The region is connected by all kinds of interests and conditions. When we look at the region and see what happened with our State and the State of New York, in terms of resources from grants by Homeland Security, it is hard to understand.

We don't have sufficient resources for homeland security. I heard my colleague say that earlier. We don't. However, whatever we do have should be targeted to those parts of the country most at risk of another terrorist attack. Here we see, once again, that our friends in the Congress, our friends in the Senate are treating homeland security as another opportunity for additional resources. We are all resource starved, every State. Why? The reasons are obvious. We are giving tax breaks to people who don't deserve and, in many cases, don't want them, billions and billions of dollars to the wealthiest among us. We have a war, about which there is considerable question, that is costing us hundreds of billions of dollars. And by the end of this year, we will probably be at the level of \$500 billion, a half a trillion dollars. That funnel keeps on taking money away from what we need at home.

Yes, we have to protect ourselves against terrorism from any part of the world against American citizens. But we have a reason to believe that on these shores of ours, within the boundaries of the United States, we could lose lots more of our people and have

our lives disrupted much more than they have been. It is very uncomfortable. We spend a fortune in security funding. If you go to the airports, you see it every minute. If you go into large public buildings, you see it there. Wherever you go, our lives have been inhibited in some way. Our freedoms are curtailed by the threat of terrorism.

So we hear that our enemy has their guns loaded. What would happen if we knew that there was going to be an assault coming from abroad on the New York Harbor? Would we say: Don't defend that harbor; don't defend those areas, New Jersey and New York, where they are at the highest risk of terrorism facilities in the country? No, don't defend them? Even though the armada is on its way to New York Harbor, let's make sure that we take care of Wyoming and Nebraska and other States? No slight intended; they are all great States. But let's make sure we give them money now because we are going to distribute funds for defending ourselves.

Seven hundred people from our State—neighbors, friends, even family. My oldest daughter's best friend died in the World Trade Center, leaving three children behind. Her husband searched hospitals for 2 weeks, refusing to accept the fact that she would no longer be in their lives, hoping against hope she would be discovered alive. Those stories were repeated all over the area. The FBI has declared the 2-mile stretch that goes from Newark Liberty Airport to the harbor as the most inviting place for a terrorist attack in the country. Why? It is a very densely populated area, with large chemical facilities that could endanger the lives or well-being of more than 12 million people.

To suggest that each State should be guaranteed a minimum I find hard to believe. I commend my colleague for saying: OK. Recognizing that if we want to get this passed, that we desperately need to raise the funds for those places most at risk, as mandated by the 9/11 Commission, then we have to understand reality. It is politics. Every State wants to get a little bit of the distribution. So let's reduce it from three-quarters of 1 percent to one-quarter of a percent as a minimum and allow more funds to be distributed among the States most at risk. It makes eminent sense to me.

When we look out west and we see Wyoming, beautiful State that it is, getting seven times more resources, more funding per capita than New Jersey, seven times more, if there is a risk in Wyoming, it sure can't be comprehended by seven times more distribution.

I recall, once again, for emphasis purposes, recommendation 25 of the 9/11 Commission report:

Homeland security assistance should be based strictly on an assessment of risks and

vulnerabilities. Federal homeland security assistance should not remain a program for general revenue sharing.

Listen to that. Pay attention to this report. It was skillfully done, headed by the former Governor of New Jersey, a brilliant public servant who said that this is the way the program should be divided. Let's do it that way. Let's do it. Let's put the money where the risk is. That is what this ought to be about, nothing more. We have tried to arrive at a compromise position. I hope the Senate will support that position.

I yield the floor.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4600

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 4600.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4600.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase appropriations for disaster relief, and for other purposes)

On page 98, line 24, strike "\$1,640,000,000" and insert "\$1,941,390,000, of which \$301,390,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234."

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 20 minutes, which I will divide between myself and my colleague from New York, Senator CLINTON. I believe then the Senator from New Hampshire will have 15 minutes, and, at some point, we will vote on this legislation, probably around 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, today, I rise to offer this amendment to restore more than \$300 million in funding to the Federal Emergency Management Agency's disaster relief account. This is the amount that the President had requested in his budget. So this is hardly an outlandish fee or a fee that came up out of our heads.

As we all know too well, our country has been visited by disaster far too

many times in the last year. Hurricanes Katrina and Rita, devastating wildfires in Texas, Arizona, and California, and now the recent flooding in the Northeast, devastating New York as well as Pennsylvania, New Jersey, Vermont, Maryland, and Virginia. Some of my staff people, and I know many others, have had flooding in their homes in the Washington area because of that.

Unfortunately, FEMA has come up short every time. The Agency always seems to be on its heels when it needs to be on its toes.

With all of the trouble that FEMA has, we should not be cutting the funding that goes directly to the people who are victims of these terrible disasters.

We have seen the disaster. We have seen the terrible flooding. We know it is all too real. A week ago Friday, Senator CLINTON and I toured the affected regions in upstate New York and saw the enormity of the flood and the work it is going to take to get it clean.

I will share this with you. We met a businessperson who started out a new business and lived in the Catskill Mountains. He had been flooded twice in previous years. The disaster relief official on the ground said the first two floods were 100-year floods, meaning that level of flood only occurred once every hundred years. This was a 500-year flood. This businessperson—dedicated like all small business people, but they are sweating through all of this—was already loaned up and needed more money quickly.

We met another business leader in St. Johnsville in the Mohawk Valley in Montgomery County, who started a new business and was the hope of the county, with 100 new jobs. They had announced they were going to have another 65 new jobs, but they were flooded out.

The Beechnut plant, the largest employer, suffered huge damage, and the plant that makes baby food is not able to open. We visited the Canajoharie town hall, where all of the equipment was flooded and gone, including computers, phones, police department and fire department records—gone.

We were in Binghamton and Conklin, which was totally flooded, as was Hancock and other places. We were told in one area in the Delaware Valley that the rain cloud stayed and never moved for 16 hours at the top of the mountain and the rain kept coming down.

We met an older gentlemen whose 15-year-old daughter was in their house by the creek bank. The creek turned its course and pushed the house into the water, and she died. We saw that damage firsthand.

The damages are going to be in the hundreds of millions of dollars. Just alone, the sewage plant in Binghamton was destroyed, a brandnew \$20 million plant, gone.

The physical damage to farms is enormous. As we flew over the Catskill Mountains, in the Delaware Valley and the Mohawk Valley, you could see farms flooded—the whole farm. The corn was gone. We saw dead cows, which is the life blood of these farms, including the dairy. Crop losses are estimated to be \$20 million.

So the damage was enormous. The damage was everywhere. It is unlike anything we have ever seen in New York.

Our amendment is very simple. It restores more than \$300 million in funding for FEMA's disaster relief account, bringing it back up to the President's request of \$1.9 billion. Under this program, FEMA gives three types of assistance desperately needed: Individual assistance goes to individuals and households. This helps disaster victims find temporary housing, pay for rent, home repair, and even home replacement costs.

In these three areas, the Susquehanna Valley, Delaware Valley and its tributaries, and the Mohawk Valley, there are still homes being condemned as we speak. The people who lived in those homes for decades or for generations will never be able to go back. This assistance is so important to them.

Second is public assistance, which is aid to public entities for reimbursement for emergency services and the repair or replacement of disaster-damaged public facilities such as roads, bridges, and water facilities. One town supervisor told us that their whole budget for roads—the whole yearly budget—was gone in 3 days. They don't know how they are going to repair the roads that are still broken and damaged.

It didn't just occur to smaller roads. I-88, one of the most important lanes of commerce in our State, running from Albany to Binghamton, had a huge chasm in it. That was on the front page of most newspapers. Some truck drivers died as they fell into that chasm. We need that to help our towns, villages, and counties, get back.

Third, there is hazard mitigation assistance which helps local governments protect against future disasters and reduce future losses to public and private property. In this era of changing climate, when we have had disasters afflicting us year after year, hazard mitigation assistance is very important.

In our State, as in our neighboring States, people are struggling. There is nothing like seeing that damage firsthand and looking into the eyes of people who have lost loved ones or homes or businesses. You see that the only hope they have is that the Federal Government will come forward.

We know that FEMA didn't do the job in New Orleans. We know it is going to be difficult for FEMA to get the money quickly and in large amounts to the areas in our State

where they are needed. But the one thing we also know is that FEMA should not be able to say they don't have the dollars. Right now, with the cuts that are proposed in this budget, we cannot be sure of that.

So many people are struggling in New York and around the country and we should be mobilizing the full resources and wherewithal of the Federal Government, not cutting back. This is one area where there is virtually universal agreement that it is the Federal Government's responsibility—disaster relief.

Today, it is raining again in upstate New York. People are worried about the flood waters rising once again. We have to do everything in our power to help them and give them the assistance they need to rebuild stronger than ever.

Mr. President, I ask for the yeas and nays, and I yield the remaining time to my colleague from New York.

The PRESIDING OFFICER. Is there a sufficient second? There is.

The yeas and nays were ordered.

Mr. SCHUMER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York, Mrs. CLINTON, is recognized.

Mrs. CLINTON. Mr. President, my colleague has eloquently described the damage and devastation that he and I visited together last week.

Floods are biblical. They go back as far as human history is recorded. But I never cease to be amazed at the damage they cause. There is something about a flood that is so devastating. It leaves behind places that are destroyed because of mold. It ruins businesses and homes. It leaves a residue of mud and muck and debris. It is a demoralizing, debilitating disaster.

As Senator SCHUMER and I traveled from Binghamton north, we saw firsthand people coping and trying to figure out what was next—businesses that lost everything and don't know how they will ever get back into business, homes that were washed into rivers and creeks, city halls and fire departments and police departments with records that were obliterated in an afternoon.

Now, if this were a once-in-a-hundred-years phenomenon, maybe I would not be so worried, but time and again we have heard that there have been 3 floods in this area of New York in the last 24 months, 2 of which were classified as 100-year floods, 1 of which was classified as a 300-year flood. We are beginning to see the effects that were predicted by the National Hurricane Center earlier this year. We had even seen our National Archives, which holds our most precious founding documents, like the Constitution and Bill of Rights, fighting back the floodwaters, trying to preserve America's history.

Just last night in the county I live in in New York, tornadoes were spotted.

That is very unusual. I lived for a number of years in Arkansas. We saw tornadoes all the time. I have been chased by a tornado. I have seen them on the horizon. I have lived with tornado damage. I visited many devastated communities. But tornadoes were not thought to affect States like New York. New York was hurricane territory, not tornado territory. Last night, we had a tornado.

The strange weather that we are experiencing is out of the usual, and I hope that we can get the help we need and that the amendment that Senator SCHUMER and I have proposed will be passed so that we can replenish the disaster fund with the amount of money that we know will be needed to take care of the people we represent in New York.

There was similar damage in Pennsylvania and New Jersey, and apparently there is more to come. We have had predictions that the 2006 Atlantic hurricane season outlook is expected to be 80 percent above the normal in the number and intensity of hurricanes.

We all know of the damage that occurred along our Gulf coast. But there are predictions of significant storms along the Atlantic coast up to and including New York for the rest of this summer and into the fall.

We need to get ready. That is why this amendment makes such good sense. All that it asks is that we restore the money the President asked for in his budget. That money was cut. We want to add and replenish the disaster relief fund to the tune of \$300 million so that there is \$1.94 billion in that fund to help us meet the needs of New Yorkers and others who are being afflicted by this unusually severe weather.

Fully funding that disaster relief fund is one way to ensure that people know there is going to be help on the way. It is demoralizing enough—I saw it on the faces of people as I walked the streets of Canajoharie and saw everybody in shorts and flip-flops and T-shirts shoveling out the public library or the boys and girls club across the street or the businesses up and down Main Street or the Beechnut plant.

It is demoralizing enough to try to figure out how you are going to recover from a flood. Let's not add to that sense of despair by sending a message that the Federal Government isn't prepared to help.

We learned a lot from the disasters of our response to Katrina and Rita, and I hope we will have unanimous support to replenish the disaster relief fund.

Mr. President, I ask unanimous consent that Senator LIEBERMAN be added as a cosponsor to the Schumer-Clinton amendment.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the pending

amendment be set aside for the purpose of calling up another amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. CLINTON. Mr. President, I was assured there would not be an objection. This is for the purpose of bringing up an amendment but not calling for a vote on it at this time.

Mr. GREGG. I have no objection.

AMENDMENT NO. 4582

Mrs. CLINTON. Mr. President, I call up amendment No. 4582.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 4582.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Assistant Secretary of Homeland Security (Transportation Security Administration) shall not modify the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, so as to permit any item contained on the list as of December 1, 2005, to be carried aboard a passenger aircraft.

Mrs. CLINTON. Mr. President, this is an amendment which addresses the concerns raised by the Transportation Security Administration lifting the prohibition of passengers carrying onto our passenger aircraft sharp objects, including knives.

There is a considerable debate, led by the airline attendants and pilots, as to the wisdom of this rule being lifted. I ask the Senate to consider whether this is a good idea. We have been so successful in nearly 5 years in avoiding incidents on our airlines, in keeping our people safe on our airlines. If it ain't broke, why fix it?

This rule has worked. People are used to the rule. My goodness, we have had security people take steak knives out of people's handbags and suitcases. We have had them take out huge pen knives and switchblades. Why do we want to go back to that?

Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I am sorry, I did not hear the request.

The PRESIDING OFFICER. The request is to set aside the amendment.

Mr. GREGG. I have no objection.

AMENDMENT NO. 4600

Mrs. CLINTON. Mr. President, I ask that we return to the pending business of the Schumer-Clinton amendment.

The PRESIDING OFFICER. The amendment is pending.

Mrs. CLINTON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, speaking to the Schumer-Clinton amendment, I wish to simply make the point that obviously all of us in the Northeast have experienced these very severe weather conditions which have led to floods. In New Hampshire, we are a little bit ahead of New York, regrettably. We had a huge storm earlier that led to major flooding throughout the State.

I have to congratulate FEMA for their response. They have been very prompt. They have been on top of it. People who have made requests for reimbursement pursuant to the disaster declarations have received those funds, and we are getting a very effective and efficient response throughout New England, which all of New England was impacted, especially Massachusetts and New Hampshire.

I know New York has gone through this experience, and, of course, the city of Washington has. I understand the Senators from New York wanting to make a point relative to the importance of having the resources to make sure when this type of disaster occurs there is money available to address the concerns of the communities that have been hit and the individuals who have been hit.

This amendment, as it is presently structured, is not going to have any impact on the New York problem that exists today. That will be addressed by money that is already in the pipeline, that is in the disaster relief fund. The disaster relief fund has a very robust amount of money in it. It has \$9.3 billion in it right now. This bill addresses 2007 disaster activity. This bill has a number of \$1.6 billion which will be added to whatever is left at the end of the 2006 year of the \$9.3 billion as the resource available to FEMA.

So as a practical matter, the amendment which the Senators from New York have offered will have no impact on the very compelling anecdotal stories that have been put forward relative to the damage to the New York communities. Those communities and the individuals affected by this event will be looking to FEMA, which has resources which are already in the pipeline which will be available for them to assist the people who have been impacted. The money will be there. The New York citizens will get the money

they need out of the \$9.3 billion which is in the disaster relief fund.

What this amendment does is declare an emergency and add another \$300 million to this bill, which is essentially outside of the budget. So I really don't think it is necessary at this time—in fact, I know it is not necessary at this time, and I know it is not going to impact the immediate New York situation. It just is not. It raises the bigger issue of what should be the number that we put into the disaster relief fund in one of these bills.

It almost is a Ouija board exercise on this committee to figure out what number we put into this account because some years disasters will be significant and some years they won't. The last year and a half, we have dealt with the Katrina event, which was more than significant—it was horrific last year, and that was an aberration, we all sincerely hope—certainly the Presiding Officer hopes that—but that has caused us to have to spend over \$100 billion on disaster relief.

Whatever we put in this account is really just a guess, and until we see the actual events that are brought upon the Nation relative to natural disasters, how much money this account is going to need will not really be known.

What we have shown as a Congress—and I think we have shown it rather aggressively time and again—is that when a disaster does occur which does qualify for FEMA funds and the disaster relief fund needs dollars, we act in a very prompt and aggressive manner. In fact, one can argue that in the Katrina situation, we put so much money in the pipeline so fast that a lot of it was not effectively used. That has been our history. I think that is actually the way to approach it.

I have often thought about whether we should just put a lot of money in there and let it sit and wait for the disaster. We could do that, but as a practical matter, that is not a good use of taxpayers' dollars. It makes much more sense, if we have a terrible disaster, if we have floods, hurricanes, or tornadoes that create a declaration of disaster, that we make sure we have enough money in the disaster relief fund to meet the immediate needs, and if it needs more, we can come back and do it under emergency declaration.

There is no question there is enough money in the relief fund to take care of all the disasters we know about, with potentially the exception of Katrina, which is being handled outside the relief fund for the reconstruction of the gulf coast. There is no need to put any more money in this account. Certainly, if we put more money in it at this time, it will have no impact on an event that occurred a month ago or an event that occurs tomorrow or occurs up until the end of September because this money will not be available until October 1.

So this amendment is a statement, I understand that, of concern by the Senators from New York, and as representatives of the State of New York, I can understand their desire to get on record with such a statement. But at the appropriate time, I will make a point of order against it because it is an expense which we should not incur at this time for the reasons which I have outlined.

For the edification of our Members, my hope is—and I have talked with the Senator from Washington about this—my hope is that after Senator SESSIONS offers his amendments—and my understanding is that he will be here shortly to do that—we will be able to vote on four amendments. That would be an amendment by Senator MENENDEZ, an amendment by Senators Schumer and Clinton, and the two Senator SESSIONS amendments. I hope those votes will get started soon after Senator SESSIONS has completed his presentation and when anybody who wishes to respond to him has done so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4582

Mr. LOTT. Mr. President, I ask that the pending amendment be set aside. I wish to comment briefly on amendment No. 4582, which I understand would reverse the Transportation Security Administration's decision to remove small scissors and tools from the prohibited items list.

I understand we want to take every precaution when it comes to security on our airplanes, in our ports, and on our trains, but this is a case where I think the Administrator of the TSA has been trying to do the right thing.

In my opinion, one of the problems with TSA is we have given them tons of money, we have demanded and expected all kinds of security instantly, and it has created certain problems. We should focus our money more wisely. I think the Transportation Security Administration should focus on higher priorities. They have been willing to do that.

I have talked to the Administrator, Kip Hawley, several times about what they are trying to do. This is an issue which does have jurisdiction in the Commerce, Science, and Transportation Committee on which I serve. Frankly, I commended him, privately and publicly, for being willing to take some of these things off the list. How many of you have been through these outrageous processes that you have to go through or have had to go through to get on airplanes? How many times

have I been ripped off of scissors or small pocket knives that are no damage at all? I just went ahead and bought them by the dozen. I mean, this is not going to an airplane take.

So common sense is what I have asked the TSA to use: Use your head. My goodness, is this a weapon? It looks pretty dangerous. It is a ballpoint pen. So it is time we have some common sense at the Department of Homeland Security, at the Transportation Security Administration. How many times am I going to have to take off my shoes because one guy tried to light the heel of his shoe? How long is it going to take us to get technology that makes these frisking processes we go through make sense?

Look, the American people don't mind being a little inconvenienced or being delayed a little bit if it makes sense. But I am telling you, I have warned TSA: This is one of the examples where you have a problem because Senators in this instance are like everybody else; when we get on a commercial airplane, we have to endure the same inconveniences and embarrassments and ridiculousness as everybody else.

So I really do oppose this amendment. I think TSA is trying to do the right thing. I go back to what I was talking about a while ago. Senators and Congressmen, you are in a line with your constituents; what are they saying to you? They are ripping us because some of the ridiculousness they have to go through they don't really think makes an airplane or train or whatever more secure.

So I just hope we will not pass this amendment. I believe the TSA has done the right thing, and I hope they will continue to make it less inconvenient, while making it more secure. Focusing on things that really are a danger will allow them to do a better job where it matters.

I just wanted to raise this point of view with regard to the decision by TSA and to object to the amendment that is pending. I hope to focus on this issue and talk about it responsibly among ourselves and with the Transportation Security Administration—that is good, but I think it would be a mistake to reverse these items which have been taken off the list.

Mr. President, I understand there are other speakers who may be in the area, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4657, 4573, AS MODIFIED, 4626, AS MODIFIED, 4636, AND 4653, EN BLOC

Mr. GREGG. Mr. President, I have a series of amendments that have been

cleared on both sides that I will call up en bloc. I ask unanimous consent that amendment No. 4657, Senator STABENOW; amendment No. 4573, Senator OBAMA, as modified; amendment No. 4626, Senator DODD, as modified; amendment No. 4636, Senator CANTWELL; and amendment No. 4653, Senator LAUTENBERG, be called up, deemed read, and agreed to by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 4657

(Purpose: To provide collections and expenditures for the Customs User Fee Account)

On page 127, between lines 2 and 3, insert the following:

SEC. ____ . CUSTOMS USER FEES.

Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide personnel and equipment to improve national security by inspecting international shipments of municipal solid waste, and shall levy a fee limited to the approximate cost of such inspections.

AMENDMENT NO. 4573, AS MODIFIED

(Purpose: To assist individuals displaced by a major disaster in locating family members)

On page 98, line 6, before the period insert the following: "Provided further, That the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment of the models used by the Louisiana family assistance call center and the National Center for Missing and Exploited Children in assisting individuals displaced by Hurricane Katrina of 2005 in locating members of their family to determine how these models may be modified to assist individuals displaced in a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in locating members of their family: *Provided further*, That the Secretary of Homeland Security shall submit to the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate and the chairman and ranking member of the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives results of the assessment conducted under the previous proviso as well as a plan to implement the findings of such assessment, to the maximum extent practicable".

AMENDMENT NO. 4626, AS MODIFIED

(Purpose: To increase appropriations for firefighter assistance grants, and for other purposes)

On page 65, line 22, strike "\$90,122,000" and insert "\$82,622,000".

On page 120, increase the amount on line 9 by \$17,500,000.

On page 94, line 17, strike "\$655,000,000" and insert "\$680,000,000".

On page 94, line 17, strike "\$540,000,000" and insert "\$552,500,000".

On page 94, line 19, strike "\$115,000,000" and insert "\$127,500,000".

AMENDMENT NO. 4636

(Purpose: To provide for interoperable communications systems planning in connection with the 2010 Olympics)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

AMENDMENT NO. 4653

(Purpose: To require the Secretary of Homeland Security to submit a classified report to Congress on the security vulnerabilities of the bridges and tunnels connecting New Jersey to New York City)

On page 96, line 23, insert “: *Provided further*, That not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a classified report describing the security vulnerabilities of all rail, transit, and highway bridges and tunnels connecting Northern New Jersey and New York City to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives” before the period at the end.

AMENDMENT NO. 4657

Ms. STABENOW. Mr. President, today I offer an amendment cosponsored by Senator LEVIN and Senator BAUCUS that will require U.S. Customs and Border Patrol to charge inspection fees to Canadian shippers who export municipal solid waste into Michigan in order to pay for truck inspections. My amendment would impose approximately a \$420 fee on every trash truck that crosses into Michigan.

In 2003, the city of Toronto started shipping 100 percent of its trash to Michigan. The result? Every day, 350 trucks carrying trash from Toronto enter Michigan on their way to Michigan landfills. But they don't just carry trash. In recent years we have found illegal medical waste, including radioactive materials, and illegal drugs and currency. There is no limit to what could be smuggled in these trucks.

In February, the Department of Homeland Security inspector general released a report that I requested with

Senator LEVIN and Congressman DINGELL. The inspector general found that trash trucks are extremely difficult to inspect and carry dangerous waste. The report also points out that trash trucks are difficult to screen with traditional x-ray equipment and must be physically inspected to verify their contents. Finally, the report states that it is virtually impossible to find dangerous items because of limited resources for conducting time-intensive physical inspections.

The people of Michigan know exactly what kinds of dangerous materials are in these trash trucks. Over the past few years, we have seen numerous examples. Customs officials seized nearly 1 ton of illegal drugs hidden inside a Canadian trash truck that entered the U.S. from Toronto over the Blue Water Bridge. A Canadian trash truck arrived in Michigan dripping blood because it contained broken bags of untreated blood and hospital waste in direct violation of Michigan and Ontario law requiring medical waste to be placed in secure containers separate from other waste. A trash truck that was on fire attempted to cross the Blue Water Bridge, requiring 8,000 gallons of water and valuable local, State, and Federal resources before it was finally doused. Most recently, a Canadian trash truck spilled sewage sludge across a main thoroughfare of Huron Township closing the road for hours and diverting valuable local resources for the clean-up.

These outrageous incidents and the inspector general's report led me to offer an amendment to the fiscal year 2007 budget resolution that was unanimously accepted by the Senate. My amendment assumes \$45 million a year in Federal funds that would be collected by charging Canadian trash shippers an inspection fee as they enter Michigan. The collected fees will pay for the increased personnel costs associated with increasing the number of physical inspections of trash trucks, ensuring that taxpayers are not on the hook to pay the costs for inspecting these dangerous trash shipments.

Based on information provided by the inspector general, we know that it will take four Customs agents about 4 hours for each trash truck inspection. Based on personnel and administrative costs, we estimate that the fee for each trash truck will be approximately \$420.

The next step is to ensure that Customs can actually collect these fees. The amendment I am offering today does exactly that.

On March 30, the Committee on Homeland Security's Permanent Subcommittee on Investigations released a report called “An Assessment of U.S. Efforts to Secure the Global Supply Chain.” This report includes a section on Canadian trash shipments.

The subcommittee report states that it is “inherently difficult and dan-

gerous to physically inspect trash containers.” Furthermore, the subcommittee recommends that Congress “enact into law the provisions recently adopted by the U.S. Senate to impose a fee on international shipments of trash to pay for a more rigorous inspection regime to protect U.S. citizens from the security risks currently associated with trash containers.”

This is what the amendment that I am offering today does: establishes the inspection fees that the Senate already approved in the budget resolution.

We need to give Customs the resources to more effectively screen and inspect them.

Mr. President, I also wanted to make some remarks and discuss the two reports I previously mentioned in order to provide some legislative history and intent of my amendment No. 4657, that the Senate just adopted.

The Permanent Subcommittee on Investigations' March report, among other things, analyzed the unique security risks posed by the importation into the United States of cargo containers carrying trash.

The report points out that the importers of consumer products, by contrast, have more control over the specific content and the origin of the imported products, making it easier to take steps to monitor and ensure the security of the supply chain. There are few, if any, security measures in place to screen trash or ensure that trash does not conceal illegal or harmful materials, such as weapons or nuclear material.

Growing imports of trash present an increasingly serious security problem. For example, according to the Senate report, Canada shipped roughly 100,000 containers of trash across U.S. borders into Michigan in 2004 alone, an 8-percent increase over 2003. Another 10,000 containers of trash come through nine other ports of entry on both the northern and southern borders of the United States each year.

The inspector general's report found that from 2003 to 2004, tons of illegal drugs and millions of dollars in illegal currency have been transported into the United States in trash containers, among other forbidden cargo. The Senate report concluded that the Department of Homeland Security should ban imports of trash into the United States entirely until the Secretary of Homeland Security “can ensure that the supply chain of a trash importer is secure or develops protocols ensuring adequate inspections of individual trash containers.”

In order to pay for more rigorous inspections to protect people in the United States from the security risks currently associated with trash containers, the Senate report recommended enacting into law a “fee on international shipments of trash.”

In my amendment, the shipments that would be more rigorously inspected would be in the Customs Territory of the United States, which has the meaning given the term in the general note 2 of the Harmonized Tariff Schedule of the United States.

Also, the term "municipal solid waste" means all waste materials discarded for disposal by households, including single-family and multifamily residences, and hotels and motels; and all waste materials discarded for disposal that were generated by commercial, institutional, municipal, and industrial sources, to the extent such materials are essentially similar to what I just described and were collected and disposed of with other municipal solid waste previously described as part of or normal municipal solid waste collection services, except that this does not apply to hazardous materials other than hazardous materials that, under regulations issued under section 3001(d) of the Solid Waste Disposal Act are not subject to regulation under subtitle C of that act.

The term "municipal solid waste" includes food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, household hazardous waste, and debris resulting from construction, repair, or demolition of structures.

The term "municipal solid waste" does not include any solid waste identified or listed as a hazardous waste under section 3001 of the Solid Waste Disposal Act, except for household hazardous waste; any solid waste including contaminated soil and debris resulting from a response action taken under the section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, a response action taken under a State law with authorities comparable to the authorities of such section 104 or 106 or a corrective action taken under the Solid Waste Disposal Act.

It also does not include recycled materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal; scrap rubber to be used as a fuel source; materials and products returned from a dispenser or distributor to the manufacturer for credit, evaluation, and possible reuse; any solid waste that is generated by an industrial facility and transported for the purpose of treatment, storage, or disposal to a facility or unit thereof that is owned or operated by the generator of the waste, located on property owned by the generator or a company with which the generator is affiliated or the capacity of which is contractually dedicated exclusively to a specific generator, or as long as the disposal area complies with local and

State land use and zoning regulations applicable to the disposal site, any medical waste that is segregated from or not mixed with solid waste, combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing, including pollution control, operations not essentially the same as waste normally generated by households.

Mr. President, I hope this will provide the executive and judicial branches with a fuller explanation of the intent and meaning of this amendment.

AMENDMENT NO. 4626

Mr. DODD. Mr. President, I rise to speak on a bipartisan amendment which I introduced with my colleagues, Senators DEWINE and MIKULSKI, that helps our Nation's firefighters perform their critical duties more safely. This amendment was passed earlier by unanimous consent. I would like to thank the chairman of the Homeland Security Appropriations Subcommittee, Senator GREGG, and the subcommittee's ranking member, Senator BYRD. Crafting legislation that meets the varied domestic security needs of our Nation is no easy feat and I thank Chairman GREGG, Senator BYRD, and all of my colleagues on the subcommittee for their hard work and support.

This amendment increases funding to the Assistance to Firefighters Grants, which I initially authored in 2000 with my colleagues, Senators DEWINE, LEVIN, and WARNER. During the past 5 years, this initiative, which includes the FIRE and SAFER grants, has provided almost \$2.5 billion in assistance to over 29,000 fire departments in all 50 States and the District of Columbia. These resources have enabled fire departments to obtain updated firefighting equipment, hire additional firefighters, and improve firefighter training—activities that are crucial toward ensuring that firefighters can protect American citizens safely and effectively in this post-9/11 world.

Our Nation's firefighters are willing to do whatever it takes to perform their duties. We have first-rate firefighters throughout our Nation, but they continue to be under-funded, under-staffed, under-trained, and under-equipped to deal with the various emergencies that may arise and have already arisen in their jurisdictions.

Very few people who are not firefighters stop and think about how much we continue to ask of our firefighters in today's world. They still perform their traditional duties of extinguishing fires, delivering emergency medical services, and ensuring that fire codes are inspected. However, firefighters have also taken on homeland security responsibilities that include responding to and handling hazardous biological and radiological agents.

The fact remains that cash-strapped municipalities across our Nation simply do not have the financial resources and personnel to assist their fire departments in fully meeting these enhanced responsibilities and, consequently, safeguarding their populations. According to the most recent needs assessment study of the U.S. Fire Service published in December 2002, most fire departments lack the necessary resources and training to properly handle terrorist attacks and large-scale emergencies.

More specifically, the study found that, first, using local firefighters, only 11 percent of fire departments can handle a rescue with emergency medical services at a structural collapse of a building with 50 occupants. Second, using local firefighters, only 13 percent of fire departments can handle a hazardous material incident involving chemical and/or biological agents with 10 injuries. Third, an estimated 40 percent of fire department personnel involved in hazardous material response lack formal training in those duties. And finally, the study found that an estimated 60 to 75 percent of fire departments do not have enough fire stations to allow firefighters to respond swiftly to emergency calls.

These statistics are startling and are not improving over time. A new needs assessment that is forecasted to be released in the coming months is expected to conclude that—despite the success the firefighter grants have achieved in individual departments—fire departments across the Nation continue to struggle to carry out their critical duties.

The risks that firefighters are expected to face continue to outgrow the ability of municipalities fully to provide them with the resources they require. Therefore, it is imperative that the Senate continue supporting our firefighters and working to address their concerns.

The amendment that I have offered increases funding for firefighters by \$25 million—\$1.5 million for the FIRE Act grant initiative and \$12.5 million for the SAFER Act grant initiative. These increases bring the total amount of funding for the FIRE Grant to \$552,500,000 and the SAFER Grant to \$127,500,000. While I thank Senators GREGG, BYRD, and their colleagues on the Homeland Security Appropriations Subcommittee for finding the resources necessary to support these important grant initiatives at levels slightly above last year's funding, I believe that more resources need to be dedicated to the FIRE and SAFER grants.

The FIRE Act grant initiative has been one of the most successful homeland security grant initiatives in recent years. It is clear that the need for these competitive, merit-based grants continues to grow in all regions of our

Nation. For fiscal year 2006 alone, there were over 18,000 applications submitted, totaling over \$2.3 billion in grant requests. Unfortunately, less than \$545 million in Federal funding was ultimately made available.

Equally important as the FIRE Grant is the SAFER Grant—an initiative which provides critical resources for fire departments to hire and recruit personnel.

Just as the FIRE Act provides the equipment and training resources for firefighters to do their job, the SAFER Act provides the human resources necessary to get those jobs done safely and effectively. Over the past three decades, the number of firefighters as a percentage of the Nation's workforce has steadily declined. Today two-thirds of fire departments in the United States lack adequate personnel. We have fewer firefighters per capita, one firefighter for every 280 people, than nurses and police officers.

In fiscal year 2006 alone, 1,727 applications were submitted, totaling over \$1.8 billion in grant requests. Unfortunately, less than \$110 million in Federal funding was ultimately made available. Clearly, we must do more in order to ensure that fire departments are adequately staffed and trained to meet the needs of their communities.

The amendment that I have offered is fully offset by reducing administrative funding for the Office of the Homeland Security Secretary and Executive Management and utilizing unused funding from last year for science and technology initiatives. These offsets still allow the Office of the Secretary to meet its obligations fully in the coming year and the Department of Homeland Security to develop new technologies that keep Americans safe.

I would like to conclude by reminding my colleagues that the fiscal year 2007 authorization levels for the FIRE and SAFER Grants are \$1 billion each. The appropriations in this bill for these initiatives are less than one-third the sums authorized. I am committed to working with my colleagues in the future to ensure that firefighters receive more critical resources they require.

America's firefighters are always the first ones in and the last ones out. They risk their own lives to save the lives of others. They stare danger in the face every single day because they know they have a duty to fulfill. We must recognize their contribution to our domestic safety and see to it that they have the necessary equipment and personnel in order to perform their critical duties safely and effectively.

Ms. MIKULSKI. Mr. President, I rise today to support the Dodd-DeWine amendment increasing funding for firefighter grants. These grants are for local fire departments to ready themselves. The cost of equipment can't be covered on fish fries and bingos alone. The firefighter grant program is a wise

and prudent use of Federal funds. I know these funds are used well in my home State of Maryland.

This program has no winners or losers. Everyone wins in rural and urban America. I acknowledge that these are tight times and there is a tight allocation. But we must do better for our first responders. When I was the ranking member on the Appropriations Subcommittee on Veterans Affairs and Housing and Urban Development, Senator BOND and I funded firefighter grants at \$900 million. While this amendment does not get us to that funding level, it does provide an increase for the program.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4659

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, and Mr. ENSIGN, proposes an amendment numbered 4659.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4659

(Purpose: To appropriate an additional \$1,829,400,000 to construct double-layered fencing and vehicle barriers along the southwest border and to offset such increase by reducing all other discretionary amounts on a pro-rata basis)

At the appropriate place, insert the following:

SEC. ____ (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" and under the subheading "CONSTRUCTION" is hereby increased by \$1,829,400,000, which shall remain available until expended.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a)—

(1) not less than \$1,184,000,000 shall be used for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; and

(2) not less than \$645,400,000 shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico.

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by \$1,829,400,000.

AMENDMENT NO. 4660

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, and Mr. ENSIGN, proposes an amendment numbered 4660.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4660

(Purpose: To appropriate an additional \$85,670,000 to enable the Secretary of Homeland Security to hire 800 additional full time active duty investigators to investigate immigrations laws violations and to offset such increase on a pro rata basis)

At the appropriate place, insert the following:

SEC. ____ (a) The amount appropriated by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" and under the subheading "SALARIES AND EXPENSES" is hereby increased by \$85,670,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a) not less than \$104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 more than the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, pursuant to section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734).

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by \$85,670,000.

AMENDMENT NO. 4659

Mr. SESSIONS. Mr. President, I call up amendment No. 4659.

The PRESIDING OFFICER. The amendment is pending. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, less than 2 months ago, on May 17, my colleagues, by a vote of 83 to 16, approved my amendment to the Department of Homeland Security immigration bill to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States. This was based on the statement of the Secretary of Homeland Security, Secretary Chertoff, that this was what he believed was necessary to create a border enforcement system.

Of course, a fence is not a cure-all, but it is a very real and integral component of enforcement at the border. Many of the areas we have the greatest difficulty with are urban areas. You can't put a policeman at every single street corner where people can walk across. So a barrier is necessary.

We have a number of barriers in San Diego and other places, and they have

worked very well. Crime on both sides of the border has decreased, property values have increased in those areas, and economic development has occurred.

So there is no doubt—and it is not something that is mysterious—that a good fencing procedure will help us in many ways. It is something we discussed and debated, and then when we voted, we voted 83 to 16 to approve it—a bipartisan vote.

But what I wish to make clear is this was simply an authorization. It represented a promise, a commitment by the Senate that we would build fencing. We would build fencing, and that, in large degree, is a part of our dialog with the American people in which we told them we are getting serious about enforcement. We are not just talking anymore. We really mean this time to get serious about enforcement, and we are going to do the things that are necessary. We are not going to build a fence along the entire border, but we need a certain amount of fencing—370 miles—and that is what would be put in, and that is what this Congress, this Senate, voted for. The House has more. I think they have 600 miles in their bill. So this was where we were.

I have made this point for some time in the debate: We do a lot of talking, we do a lot of legislating. The things we do often sound very good. The things we say often sound very good. But we don't ever quite get there. The things which will really make a difference, which can be demonstrable in improving lawfulness at the border, somehow, some way, seem not to become law.

This fencing requires a sum of money. We are going to show an increase—an increase—in spending for Medicare and Medicaid and Social Security next year or this year, this period, of over \$100 billion. We are talking here about a cost of less than \$2 billion, a one-time enforcement enhancement of having a barrier at the border.

The figure we have in here of \$1.8 billion contemplates that it will all be done by private contractors at the higher prices for the better fence. I suspect as we move forward in conference the conferees may find that the National Guard, which were not part of the process at the beginning, were not being called out when we first voted on this amendment, could actually build this fencing for what we understand would be one-third the cost per mile. This might be a perfect thing for them to do and participate in. There may be other ways to keep this cost down.

We made a commitment as a body that we were going to take some real steps that would work to enhance enforcement at the border.

So I say to my colleagues, in many ways the vote we are about to take on funding this amendment is a test. The American people should look at us and

evaluate us according to this test we are about to take. Were we serious on May 17 when we said we wanted to build this fence? It is not in this bill today. This is the legislation that is the appropriate vehicle to put in the spending for it. It is not in the President's request. It is not in the item that came out of the committee.

I know the committee had many challenges, but this matter is important. It represents a commitment we made to the American people. We need to follow through on that. If we do not, how could anyone say that the Senate has integrity in the commitment that it has made to the American people to create a lawful system of immigration in our country, to end the lawlessness at the border and create a lawful system?

That is what we need to do. We don't need to end immigration. We are going to maintain immigration. We are going to treat people fairly. We are going to allow people to come in and go from the United States. In fact, we can enhance that and make it much easier, but we need to have a lawful system. We need to end this unlawful system, and that is what I would say is so critical about this process.

The bill as presently written appropriates \$288 million for necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration.

None of this \$288 million is designated for any construction of new areas of border fencing on the Southwest border, as we voted to do by 83 to 13. The construction funding only includes money to continue land acquisition and construction for the San Diego fence—\$30 million—which is already under construction.

As for vehicle barriers that we have been told are important, especially out in the rural areas, barriers to stop the easy crossing of vehicles, 39 miles of new permanent vehicle barrier in western Arizona only are funded. That is for 39 miles, not the 500 miles that we authorized. It continues construction of vehicle barriers in El Paso for a few miles; \$200,000 for vehicle barriers in the Swanton Sector.

Those amounts are the only amounts out of the \$288 million that are designated specifically for fencing and vehicle barriers. That is not enough to fund what the Senate voted to authorize, 370 miles of fencing and 500 miles of vehicle barriers.

I know there are ways to contain costs. Frankly, I think if we work at it we might be able to demonstrate this amount of fencing could be done for less than we have here. But I would say to my colleagues, the estimates we have had are these. This will meet the challenge. Unless we have clear evidence to the contrary, we need to fol-

low through on our commitment to fund this.

This amendment appropriates the funds for the 370 miles of fencing and 461 miles of vehicle barriers at strategic locations along the Southwest border that the Senate authorized in May. Although the Department of Homeland Security supported my amendment at the time to add these miles of fencing and barriers when we voted on those issues in May, funding for these miles of fencing is not included in the bill.

The advantages of fencing are numerous. It magnifies, it multiplies the effectiveness of our Border Patrol officers as they go about their work. They have a difficult job to do. They have to maintain a border that is 1,700 miles long. They need help. There is no way we could have enough Border Patrol agents to patrol that entire border. We need to make it more difficult for those who would come in to our country illegally.

Fencing has worked in San Diego, it has worked in Arizona, and it is going to work wherever we put it, to enhance the ability of our law enforcement officers to detain and stop and interdict those who would enter the country illegally, which is what we need to do if we are going to move from this lawless system of immigration to a lawful system of immigration.

These are the kinds of things the American people have been asking for. They are asking for us to demonstrate that business as usual is no longer in effect, that talk is no longer in effect. The American people are looking at us and they are going to be looking at us carefully to see if we are actually going to follow through on what might really work to reduce illegal immigration and to create a system that is lawful and decent and fair, so people who wait in line are not chumps and those who break the law and come across the border illegally are the ones who get rewarded.

We need to stop that. That is wrong. It undermines law and sends a wrong message to those people who come into our country.

I say to my colleagues that we need to do a better job. We have a serious problem with the American people. They are suspicious of us. They are cynical about what we have done. We have been talking about a lawful system of immigration for 30 or 40 years, and we have never produced it. We passed a bill 20 years ago, in 1986, that was to be the amnesty to end all amnesties. We said we are going to do this one time and after this is done we are going to create a lawful system for immigration.

What happened? Amnesty became law just like that. The people got their amnesty. And there was a promise. As we made a promise on May 17 to build fences, they promised to do the things

necessary to secure the border after 1986, and it never happened. It didn't happen in the 1970s, 1980s, 1990s, and 2000. We had a series of Presidents who did not follow through. We have had a series of Congresses that have sat over those years and they have not made this system work. Yet when we go back home to our borders we say we want no amnesty and we want a lawful system. It is time for us to make a decision.

This is a lot of money, you say. It is \$2 billion. I say we spend \$1,400 billion a year in this country. If you took a poll of the American people, would they say we ought to spend a couple of billion dollars to start making a real dent in the illegality at the border, that they would expect us to find the money somewhere? I think there is no other program in this country not worthy of being reduced to some degree so we could fund this.

My amendment would simply take an overall reduction in funding in this bill because that is what I am limited to, really, as an effective amendment at this point: to cut across all funding levels in the bill a sufficient sum to fund what we committed to do, which is build a fence.

I want to say to my colleagues, this matter is not going away. We are not going to be able to go back to the American people and tell them we have taken seriously their directive to us to fix this system if we don't put up the money necessary to do so.

As I have said for so many years—and recently we have talked about it a lot—you have to get to that tipping point in enforcement. You have to reach that point in which it is quite clear to those who would want to come to this country that the best way to do so is to come lawfully, to wait in line and take your turn.

I talked with President Bush about it on Air Force One. He agreed. He used the phrase "tipping point." That is exactly correct. We want to establish a tipping point; a barrier, sufficient agents, sufficient detention spaces are key to that. It is not going to break the bank.

I am optimistic about our ability to achieve this. But you simply have to close the holes. You have a bucket with three holes in it. If you close two of the holes, you are still going to have the water run out. When we do what is necessary to close the holes in our legal system we can create a system that will actually work, create a tipping point where people wait in line and come legally according to the standards this country establishes for them.

I am very concerned that by not funding what we just so recently voted for, by not funding that we will be indicating, just like in 1986, we were really serious about moving forward with an amnesty but we are not serious about creating a lawful system of immigration in this country. Wouldn't that

break faith with the people who sent us here? Wouldn't that undermine their respect once again? It is already at the lowest possible ebb.

They know we have not been serious about the border. Everybody knows that. Who can deny that? It has been an issue for quite a long time. It has been discussed and discussed.

They say we can have a virtual fence. A virtual fence will help a little bit. But I am not able to cash a virtual check at the bank.

I would like to see some real fencing. So we had a discussion about that and we voted. We voted to build a fence. It was a little more than half of what the House voted in size, but it was a significant step that will, in fact, multiply the effectiveness of our Border Patrol agents who are working their hearts out for us right now, today. It will absolutely do that. It will absolutely work.

That is why some people oppose it so steadfastly. Whatever you present in the matter of immigration, in my experience, that actually tends to work, gets objected to. Somehow it becomes very difficult to pass.

There was objection to this amendment, frankly, until the very end. I think the voices of the American people were heard and all of a sudden we ended up with 83 votes. Some people thought it would be a close vote. It wasn't so close when we voted because we were listening to our constituents, which is what we are supposed to do.

There are 2,000 miles on the border. Many of those are quite remote, not appropriate to build a fence on. Some say they want to build a wall along the border. What we need is strategic fencing. We need to use high technology. We need increased agents. We need enough bed spaces when someone is apprehended so that they can be detained pending deportation, particularly if they are other than Mexicans, because the Mexicans can be taken across the border right quickly, normally. But for those who are from other areas of the world, sometimes it is very difficult to effect a deportation.

As a result, people in our law system are forced to confront a problem. They don't have the bed space for them. They don't have a plane flying back to the Philippines or Brazil or Chile or wherever the people may be from that day, so they are releasing people on bail, called catch and release. They are released and they don't show up to be deported.

Mr. President, how much time remains on this?

The PRESIDING OFFICER. There is no time limit in effect at this time.

Mr. SESSIONS. Mr. President, that is where we are. What you need to do is reduce the number of people who are coming here illegally. You need to reach a tipping point. People who are coming here illegally, other than Mexi-

cans, have been told correctly until recent months that if they are apprehended, they are not going to be put immediately on a plane back to Brazil or the Philippines or wherever they may have come from. They are going to be released on bail. One study showed that 95 percent of the people released on bail under these circumstances don't show up to be deported. Surprise, surprise.

You need bed spaces. We have some more bed spaces in our bill. You need more agents—not a huge number of bed spaces and not huge increases in agents, but you need more agents and more bed spaces. You need to multiply the impact and effectiveness of Border Patrol agents by barriers.

How much more simple can it be than that, that we have these barriers that multiply the effectiveness of our Border Patrol people?

The strategy among those who support this bill that passed the Senate—the Kennedy-McCain bill, or whatever we want to call it, which moved through the Senate—is that it become law. The strategy is that we will sort of have a conference with the House of Representatives in secret and we will come up with some deal that gives amnesty to everybody who is here. Check the future flow of immigration in the country forever, and we will talk about how to make enforcement work.

A lot of people said: Listen, we went through that in 1986. That is what we talked about in 1986. Remember? Don't forget that. That is what they said in 1986. They said in 1986: Give us amnesty today and we will take care of the enforcement tomorrow.

Senator ISAKSON offered an amendment to deal with that very specific matter. He said: I am worried about that, too. That is what happened in 1986. That is what I am hearing from my constituents back in Georgia. We are all concerned about that. We know it is a very real problem. Why don't we say amnesty doesn't become effective, or any relief that one may choose to give to those who come here illegally, whatever relief we give them doesn't become effective until we have the border secured. He offered that as an amendment. It was one of the most intensely watched amendments in the entire process.

I have to tell you, it was very discouraging to me and very discouraging, I think, to the American people to see that amendment fail. Why? Why was that amendment important? Because they rightly conclude from that that we never had or never intended to create a good enforcement mechanism. If not, why wouldn't we pass the Isakson amendment? Why wouldn't we pass it? Why wouldn't we pass it if we intended to actually create a lawful system?

It made you think that maybe what we are hearing is rhetoric—talk and promises—but we are not going to deliver.

That is why I am saying to my colleagues that this border fence is more than just a little matter of \$1 billion-plus, as much as that is. It is a matter for the American people to evaluate whether or not they consider that we are acting with integrity when it comes to creating a lawful system of immigration in America.

The Secretary of Homeland Security said it is necessary. We voted 83 to 16 to approve it. Now we have the Homeland Security bill where this project should be funded, and it is not funded.

I know we have difficult choices to make. But that is what they pay us for.

Are people not listening to their phone calls, and not reading their mail?

The Presiding Officer, the Senator from Louisiana, understands this issue. I have heard him speak articulately on it.

It is a matter of legitimate concern for the American people. The American people are not anti-immigrant. They do not want to punish immigrants. They believe in immigration. But they want a lawful system of immigration that serves the just interests of the United States of America—not a system that makes a mockery of the law. They have been asking for it to be fixed for 30 years, and no President and no Congress has responded to their cry.

I am going to tell you, they are going to be heard this November. There may be some people who will have to answer if they voted for this fence and then didn't vote to fund it.

Why not? Why shouldn't they be held to account on that?

We are facing some difficult choices. The American people are concerned about the issue. Fundamentally, the American people are correct. They have good and decent instincts.

This Nation is a nation of laws. And on immigration we can have laws that work. That is what we are looking to do.

I don't know of anyone else who wishes to speak at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I want to make a few remarks regarding the amendment that has been offered by the Senator from Alabama.

I want my colleagues to know that this amendment which the Senator from Alabama is proposing provides over \$1.8 billion for the construction of a fence along the southwest border of the United States. However, my colleagues should know that he pays for this amendment by an across-the-board

cut to virtually every other discretionary program that is funded within this Homeland Security bill. That amendment amounts to a 5.7 percent decrease to critical programs such as the Coast Guard operations that are absolutely essential in both homeland security and with the number of domestic issues.

His amendment would also cut FEMA and disaster relief funds at the height of the hurricane and western forest fire season, and it cuts funding from the Secret Service for the protection of the President.

This amendment also cuts a lot of our critical border security programs.

On a bipartisan basis earlier this week, the Senate increased funding for border security programs by \$350 million. The bill that is before the Senate right now has \$11 billion for Customs and border protection and immigration and Customs enforcement.

The irony of the Senator's amendment is that it would cut funding for the hiring of 1,000 new Border Patrol agents to pay for the fence. His amendment cuts funding for 1,000 additional detention beds to pay for this fence. And his amendment cuts funding for unmanned aerial investigation and surveillance helicopters and Border Patrol helicopters to pay for this fence.

The bill before the Senate is carefully constructed and balanced to provide funding for homeland security priorities within very limited resources.

I know the chairman and the ranking member of this committee have worked long and hard to balance a lot of requests regarding homeland security. The amendment before us would unbalance that dramatically.

I urge my colleagues to oppose this amendment.

I yield the floor.

Mr. GREGG. Mr. President, I greatly respect the Senator from Alabama and his tireless efforts in addressing the issue of illegal immigration and his amendment on building a wall in those parts of the urban areas of the border where a wall would be effective. It is an appropriate amendment, and I strongly support it. It was in the authorization. Had the administration supported our efforts relative to capital improvements in the supplemental, we might have been able to make a fairly significant commitment toward that wall. But the wall would be built over 2 years.

This amendment accelerates that construction into a 1-year time period. Within the bill, we have approximately \$400 million in supplemental capital improvements that could be used for wall construction. I don't think all of it would be used. Some of it would be obviously.

We should build these walls. There is no question about it. The real issue is that the offset being used creates a Hobson's choice for almost everyone

here, I suspect, because the practical effect of a 5.7 percent cut would be that we would have to reduce Border Patrol agents by about 750. We would have to reduce detention beds by about 1,100.

We have attempted very hard to increase Border Patrol agents in this bill and increase detention beds. Yet we haven't funded the wall specifically as a result of our efforts to do these increases.

The effect on the Coast Guard, the Senator from Washington alluded to, would probably be that the number of fast boats which we intended to buy would be reduced significantly, and our capacity to arm helicopters would be reduced from what we hoped to arm—60 helicopters. We have, at the most, armed probably 50, maybe 55.

There is a real implication to this amendment. It has an implication in the things we are doing relative to border security which will be impacted by it.

I am totally sympathetic to the need to make this investment in this fencing activity. And I believe within the Department's funds relative to capital improvements there is also some money which could be put there but nowhere near the dollars he believes are necessary with which the Department needs to continue construction.

We are going to have to come up with a better way to do this. We are not going to be able to do this, in my humble opinion, the way this amendment is constructed—in an across-the-board cut.

I have to oppose this amendment in its present form for that reason.

Mr. SESSIONS. Mr. President, we are going to proceed with construction over 2 years. Since we don't know what will happen next year, the Congress voted to build a fence, and we ought to fund the fence, in my opinion, when we promised to build it. But we could build it over 2 years and split the money each year, I suppose. It would ultimately slow down completion. It would probably take some time to get it constructed. I don't know whether my colleagues would agree to cut that price in half and do it over 2 years, and whether it would gain their support. If so, I would be prepared to accept that reduction in the amendment.

Let me just say that we know what happened. Senator GREGG did his very best in the supplemental. JUDD GREGG, chairman of our committee, is a fine Budget Committee chairman. He also chairs this Homeland Security Subcommittee. He was able to force into the supplemental additional money for border security which was not in the President's request. I salute him for that. But that is not getting us there. We are still talking about nickles and dimes. We are still talking about business as usual. Somehow we need to find this money. We spend over \$800 billion a year in discretionary spending. We

spend nearly \$1.4 trillion a year in entitlement spending, entitlement increases—an increase of over \$100 billion next year. So we can't find a couple of billion dollars to fulfill the commitment we made to the American people?

We know how the system works around here. There is no one way that it works. There are many ways to skin a cat, as they say.

We need a vote for this amendment. And that would send a signal to the Appropriations Committee and send a signal to the White House that this Senate is serious about fulfilling its commitments. Some way between now and then, some way they will find this money through whatever sources are appropriate to fund it. That is where we need to be. That is what we need to achieve.

If we allow it to go through without any money for this fencing, we will rightly be accused of not being serious about the commitments we have made to the American people with regard to actually enforcing the laws of immigration in America, which many Americans already believe we are not serious about. They do not respect what we have done in the past, and they should not; we have failed. It is time for Congress to try to fix it and do better. In fact, we must do better. The Secretary of Homeland Security has told us this kind of barrier fencing is necessary for his success.

Now, we build a bridge in immigration that goes about 8 feet across the 10-foot cavern, and we never quite close the loop. As a result, we never reach the tipping point where it becomes much more logical for someone who wants to come to America to come legally than illegally, so they continue to come illegally. They are rewarded for that. They get to the head of the line, and they get amnesty when they get here after a period of time. That is a bad signal. We need to stop that signal.

By building more barrier fencing, by following up on the President's commitment to call out the National Guard, those activities send a signal to the world that our border is no longer open. Isn't that the message we want to send? We do not have an open border. We have a generous immigration system, far more generous than any nation I am aware of in the world. More generous than Canada, more generous than England, more generous than Mexico. We have a generous system. Don't let anyone put us down that we are somehow an anti-immigrant Nation. Nothing could be further from the truth. We are very generous, but we do need to have a system that is lawful.

About a million people come into our country legally. About 750,000 or 800,000 come into the country illegally. Almost as many come illegally. That is not right. It cannot continue. This is not an extreme position to take.

Let's build the fences that the Secretary of Homeland Security discussed. I don't know where the Senator would get the money for it and exactly how it would be worked, but I believe if we voted a strong vote to fund this fencing, somehow, some way, the leadership of the House and the Senate would get together and figure out a way to fund it appropriately.

I yield the floor.

Mr. GREGG. Mr. President, I ask to enter into a unanimous consent agreement relative to a series of votes: At 2:30, the Senate proceed to consecutive votes in relation to the following amendments: Senator MENENDEZ, No. 4634; Senator SCHUMER, No. 4600; Senator SESSIONS, No. 4659; Senator SESSIONS No. 4660.

I further ask consent that the time until then continue under the agreement which we had earlier relative to the Sessions amendment; further, that no amendments be in order to any of the amendments prior to the vote; further that prior to the first vote, Senator LEAHY be recognized for 1 minute, Senator MENENDEZ for 1 minute, and myself for 1 minute; further that between the remaining votes there be 2 minutes equally divided in the usual form and that after the first vote, all votes be 10 minutes.

Mr. DAYTON. Reserving the right to object, I have an amendment, possibly a second amendment if the first is not agreed to, stipulating that at least 20 percent of the agents will be directed to the northern border.

Mr. GREGG. I say to the Senator, we will be happy to entertain that amendment after we have completed voting on these and put that in the queue for consideration after we complete the votes.

Mr. DAYTON. There will be an opportunity to offer and have it considered by the full Senate after this sequence?

Mr. GREGG. We will be here for a little while.

Mr. DAYTON. I have no objection.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I make one thing very clear: Fencing should not be a political gimmick. It should not be a suggestion that it would cure all of our problems, but fencing works.

Let me share some thoughts about it. It is proven with the establishment of the San Diego border fence, crime rates in San Diego have fallen off dramatically. According to the FBI crime index, crime in San Diego county dropped 56.3 percent between 1989 and 2000. Vehicle drive-throughs—these are people who bolt across the border in a vehicle—vehicle drive-throughs through the immigration prohibited areas have fallen from between six and ten per day before the construction of

border infrastructure to only four drive-throughs in all of 2004. And those four only occurred where the secondary fence was incomplete.

Fencing has reduced illegal entries in San Diego. According to numbers provided by the San Diego Border Sector Patrol in February of 2004, apprehensions decreased from 531,000 in 1993 to 111,000 in 2003. Let me repeat that, talking about tipping points: They had to arrest, in 1993, along the San Diego border, 531,000 people; after the fence was up in 2003, only 111,000 were arrested, one-fifth. How many hours, how much money was saved because people did not have to be arrested and did not come illegally? How many people did not successfully enter the United States because of this fence?

Fencing has also reduced drug trafficking in San Diego. In 1993, authorities apprehended over 58,000 pounds of marijuana coming across the border, but in 2003 the fence helped stem the tide of drug smuggling and only 36,000 pounds of marijuana were apprehended. In addition, cocaine smuggling decreased from 1,200 pounds to 150 pounds, about one-tenth.

I talked to Congressman DUNCAN HUNTER, who chairs the House Committee on Armed Services. He is very familiar with the border. He explained to me it was an absolute wonder how much good that fence did. That is why the Secretary of Homeland Security, Secretary Chertoff, has spoken out and said this is what he needs: 370 miles.

I am quite aware there is a shortage of money, and we have to make choices. I repeat, in our discretionary budget, we spend about \$870, maybe \$900 billion in our entitlement program expenditure. It will increase 9 percent next year. It will increase by over \$100 billion. We spend \$1.4 trillion-plus on entitlements. That is \$1.4 trillion on entitlements. We cannot find \$2 billion to deal with the fencing that we voted a few weeks ago to approve? I think we can. I know it is difficult.

I know Chairman GREGG, if he had the money, as he said, would fund it. How do we break this train wreck we are heading to? How do we get off this track of not doing what we committed to do? Vote for this amendment. It will send a message to the appropriators, it will send a message to the administration, it will send a message to those who are working on our appropriations accounts that we as a Senate expect them to somehow, some way, go back and make the tough priority choices and find the money necessary to do this. Maybe we can fund it over 2 years. If so, they will work that out. This is not the final draft of the bill that will ultimately be before the Senate. They will work that out. I am willing to work with them on that.

Also, if the National Guard were to build it, we have been told they would do it for one-third of the cost that private contractors would charge. That

could be a savings, and we could get this fencing done without so much money in any one budget year.

We voted to build 370 miles of fencing, 500 miles of barriers for vehicles, and I am hoping we will not disappoint the American people, once again. I am hoping somehow, some way, we will rise to the occasion and say: We made a commitment. It is the right thing to do.

The administration was never out here championing building fencing. That is never something they said would be a cure-all. Frankly, it is a bigger positive step than many people admit. They did come forward and tell us, through the Secretary of Homeland Security, that these were the figures they needed to create a lawful system at our border. We have areas in developed cities and towns where people can walk across the border without even a checkpoint. There is not even a fence there. This is what we need to do.

If we are serious about it, and I think the American people are, and I think there is a growing seriousness with the President and the Members of the Senate, let's step up and do what it takes. Don't go 8 feet across the 10-foot ravine and fall into the pit. Let's complete the task before the Senate. Somehow, some way, we can find the money in this budget. I know we will if we pass this amendment. If we do not pass this amendment, we will be sending a signal, it is business as usual, and we do not intend to honor our commitments.

That is the wrong thing to do it. It could not be more damaging to have failed to honor our commitments on any bill before the Senate than the immigration bill. This is a bill for which the people have the least confidence in us.

AMENDMENT NO. 4660

The other amendment I call up is amendment No. 4660; I ask the previous amendment be set aside, and I will make my remarks about amendment No. 4660.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this amendment deals with sufficient funding of ICE, Immigrations and Custom Enforcement interior agents. ICE is authorized. We voted to authorize and hire 800 new investigative agents in fiscal year 2007. That begins October 1st. Beginning October 1st, we voted to authorize the hiring of 800 new agents under the Intelligence Reform and Terrorism Prevention Act of 2004.

The Department of Homeland Security asked for 206 investigative agents in 2007. Among other things, those agents are used to investigate illegal employment in the workplace, workplace enforcement. Virtually every Senator, in the context of the immigration debate, has talked about how important it is to increase worksite enforcement. We have talked about it

time and time again. The way to do that is to increase the number of agents who are investigating these cases. How simple can it be?

This Senate bill appropriates \$57 million, an increase of \$19 million, to enhance resources devoted to worksite enforcement. According to the Department of Homeland Security, the \$19 million increase would hire 141 new agents. The bill also appropriates funds to hire 27 new compliance investigators. They are similar to but not the same as an investigative agent.

The 141 new agents and the 27 compliance investigators do not meet the President's request for 206 agents. They just do not meet the President's request for 206 agents. And it does not come close to funding the 800 agents that Congress authorized ICE to hire next year.

You see, once again, this is serious business. We talk about enforcement. We say we are going to do it, but when it comes down to the lick log, we spend our money on other things.

So my amendment will ensure that the fiscal year 2007 appropriations bill for the Department of Homeland Security funds the full level that Congress authorized to hire in 2007, a total of 800 new agents. This means that we have to find the money for ICE to hire 659 more agents than the bill currently funds. That is 800, minus 141.

The Department of Homeland Security tells me that it costs as much as \$130,000 to fund a fully wrapped new ICE agent for the first year, with training and equipment and all those things. Therefore, the cost for these additional 659 new agents will be \$85 million. To pay for these agents, the amendment contains an across-the-board reduction.

This is about making some decisions about what we intend to do with regard to enforcement of immigration laws. It sets some priorities. So that will help us focus on what we need to do.

To me, based on my experience, having worked with Customs agents, having worked with Border Patrol agents, having worked with INS agents back when I was a Federal prosecutor, interior enforcement agents, who are responsible for enforcing immigration laws in the workplace and inside our borders, are a top priority.

Let me tell you, it is not going to be that difficult. We are not going to need tens of thousands of Federal agents to change the workplace illegality that is going on. Most businesses today want to do the right thing. We have not given a biometric card, which is not easily counterfeitable, to those people who come here legally so the businesses can make a legitimate decision about whether they are legal or not. We have created a lawless system in many different ways.

But businesses must be held accountable. We can create, under this bill, a system that gives businesses a greater

ability to know what the law is and to comply with the law. Once they know we expect them to comply with the law, once we pass this immigration bill that will create better workplace rules and procedures, we can almost overnight see a dramatic reduction in the hiring of illegals at the workplace. Isn't that what we want?

Some do not want that. They would like to be able to hire as many as they want to at lower wages.

But we as a nation have to look at the national interest and set a policy about how many people should come into the country, only allow those in lawfully, and make sure they are given a good identifier so they can go to work. But we need sufficient investigators to make sure we reach the tipping point in the workplace so that employers know with certainty what the rules are and know that if they do not comply with those rules they will be held to account. Once they know that they will be held to account, we will see, in very short order, a dramatic dropoff in illegal activity. Just this increase would make a tremendous amount of progress.

Mr. President, I have a few minutes left. I would yield to the Senator from New Hampshire. He may want to make some remarks.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the votes that should have been set for 2:30 now be set to begin at 2:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the chairman for yielding me time.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4610 WITHDRAWN

Mr. THUNE. Mr. President, I call up amendment No. 4610.

The PRESIDING OFFICER. That amendment is now pending.

Mr. THUNE. Mr. President, this particular amendment, which enjoys wide support here in the Senate, would dramatically increase the availability of alternative energy refueling systems, such as biodiesel, ethanol, and compressed natural gas, by reimbursing eligible entities up to \$30,000 for the costs associated with installing these alternative gas pumps.

Like many of my colleagues in the Senate, I believe our Nation's homeland security is directly related to our Nation's energy security. The underlying goal of this amendment is to provide American consumers more opportunities to use American-made alternative fuels as we work to lessen our

Nation's dependence upon foreign sources of energy.

As I noted yesterday when I offered this amendment, I am unaware of any opposition to what this amendment attempts and seeks to do. In fact, since I offered the amendment, a number of our colleagues here in the Senate have cosponsored this particular provision.

Additionally, American automakers, such as General Motors and Ford, support this effort, as do various agricultural groups—from the Farm Bureau to the National Corn Growers Association—as well as environmental groups. The reason is very simple. It makes a lot of sense for so many reasons, not the least of which is getting us away from this overdependence of foreign sources of energy. But it is good for the environment. It is good for the American consumer. It is good for the American agricultural producer.

I certainly appreciate the bill managers' patience regarding this amendment. And while I also appreciate the fact that the Homeland Security appropriations bill probably is not the appropriate vehicle to have this amendment considered and discussed, I am greatly encouraged by many of the calls and statements of support for this initiative that I have received since offering it, as well as some new ideas I have received that I hope to explore to make this particular provision even stronger.

So I expect we will revisit this issue. I fully am hopeful we will be able to get a vote in the Senate on this provision. Again, as I said before, I think it is important for our national security because of the direct correlation to energy security. It is also important for our economy. It is important for our environment.

For all those reasons, I intend to offer this amendment at a later time to what I hope will be a debate on an energy bill later this summer. But for the time being, I will withdraw the amendment.

I look forward to working with the chairman and other of my colleagues in the future as we work to get this provision signed into law. I believe it is that important. It is important for the future. Inasmuch as I would like to see it voted on today, I realize in the interest of keeping this debate about the issue at hand and trying to keep ancillary and nongermane business away from it, I will withdraw the amendment and look forward to having it debated at a later time.

So with that, Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. THUNE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the remarks of the Senator from

South Dakota. The issue he has raised here is an important one. I also appreciate the fact that it is more appropriately raised on another matter.

AMENDMENT NO. 4660

Mr. President, speaking to the second amendment that Senator SESSIONS has offered, this again is an issue of priorities. The first amendment juxtaposes the need to build a wall with the need to add border security agents and detention beds and make the Coast Guard a more robust player and more capable, and have the US-VISIT program and the immigration program work well.

It is ironic, actually, that this amendment, which increases investigators by 800, would, if the first amendment were to pass, end up reducing investigators by 300. I guess the net result would be if both amendments passed, you would end up with 500 investigators. But that shows the problem here that is being presented to the Senate by the way these amendments are structured with their across-the-board cuts. Because the across-the-board cuts impact the entire Department. This is not a Department that does a lot of things we do not need to do.

Certainly, we need our Border Patrol agents. We need our Coast Guard. We need our Secret Service. We need our detention beds to make sure we can put these people away when we have them. So when you do an across-the-board cut, you impact all these other services.

And, yes, ICE could use more investigators. That is why in this bill we added 75, so that we have 6,000 investigators in the ICE program. He would add 800 more to that. But, as I said, should his first amendment pass, he would reduce that number, logically—because there would be a 5-percent reduction—by 300. It would be almost a 6-percent reduction, actually.

So, again, I have to oppose the amendment. Although the policy may make sense, the way it is paid for does not. It would actually do significant harm to our capacity, in my opinion, to have a robust Department of Homeland Security.

So I will oppose the second amendment offered also by the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 4659

Mr. KYL. Mr. President, thank you. First of all, I appreciate the explanation of the chairman of the subcommittee and conclude, as he has, unfortunately, that, good policy notwithstanding, taking money away from other good policy decisions we have made or intend to make in support of funding for more Border Patrol agents, more detention spaces, and so on, requires that we oppose the amendment that would take money from those programs to build more fencing.

Much of this fencing is in my State of Arizona. We need that fencing. I am convinced we will be able to get the fencing done, if not by the National Guard, then by construction that will, in fact, cost money, for which there is some in the budget. There is probably more needed, and we are going to have to find a way to add that. But this, unfortunately, has been constructed as a zero-sum game with this amendment. In order to put more money on fencing, we take more money away from Border Patrol. So that is going to make it a very difficult proposition.

Mr. President, the matter I would like to ask unanimous consent to speak on, I say to the chairman, actually is a matter not related to this bill. I ask unanimous consent to speak for 90 seconds as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. KYL are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 4634

Ms. COLLINS. Mr. President, I had reserved the final 4 minutes of my time in opposition to the Menendez amendment. I am going to claim that time now.

I urge my colleagues to vote against the amendment of the Senator from New Jersey. Let me briefly summarize three issues that make the amendment so problematic.

First, it slashes the minimum allocation for homeland security grant monies for States. It would impose a two-thirds cut in the guaranteed allocation which would undermine the efforts of States that have entered into multiyear projects such as improving the interoperability of their communications equipment which is an expensive multiyear proposition.

Second, the amendment makes absolutely no sense. If my colleagues are unhappy, as I am, with the Department of Homeland Security's allocation of funding for the Homeland Security Grant Program, why would they want to give unfettered discretion to the Department on how to allocate the funds?

The amendment has absolutely no criteria included in it to define risk. By contrast, the proposal that was approved by the Homeland Security Committee sets out criteria—such as whether there had been a terrorist attack previously, the population density, whether it is a border State, whether it is on the coastline—and gives guidance to the Department since it has clearly shown that it does not have a well-developed system for allocating based on risk. We have seen the results of that.

Third, the Senator from New Jersey strikes the requirement in current law to have the Department look at the

need for the funding. All of us are concerned about reports that homeland security grant money in some localities has been wasted, whether it is on leather jackets or air-conditioned garbage trucks, actual cases, one in the District and one in New Jersey, or for other questionable purposes. We need to make sure that the Department is allocating the funds not only based on risk, threat, and vulnerability but also on need and effectiveness. There are no requirements for this funding to be developed and allocated based on the need for it nor the effectiveness of the State's plan.

For those three reasons and many more, I urge my colleagues to oppose the Menendez amendment. Thirty-six States and the District of Columbia would lose funding under his proposal. The funding instead would be reallocated to 14 States which already receive more than 70 percent of all the funding for homeland security.

This is a misguided amendment. It will lead to wasteful spending. It will undermine the efforts to bring all States up to a base level of preparedness and response. I urge my colleagues to oppose it.

I see the Senator from Delaware is on the floor. He has been very active in this area. If I do have any time remaining, I would be happy to yield to my colleague, the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 23 seconds.

Mr. CARPER. Mr. President, the Senator has said it well. There is nothing much I can add. When it comes to proportioning these funds, we need to use common sense. If we do, I think we will vote no on the amendment. I thank the Senator from Maine for all the leadership she provides.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4659 AND 4660

Mr. SESSIONS. Mr. President, I would like to conclude my remarks on the question of funding of the authorized border fencing in amendment No. 4659 and amendment No. 4660 which would authorize funding for the hiring of a number of interior enforcement agents that we authorized and voted to hire just a few weeks ago. I would like to talk about that.

I am well aware—and I know the argument that has been made by our wonderful Budget Committee Chairman JUDD GREGG, and Senator MURRAY—that there is just not enough money in this bill to pay for it. I would

say to my colleagues: This is an important issue that deals with something that we made a commitment to the American people about just a few weeks ago. And now it comes time for us to fund it and we don't have the money.

We spend almost \$900 billion in discretionary spending, \$1.4 trillion in entitlement spending. We can find a couple of billion dollars to fund this.

How do we do it? We pass these amendments, and we will send a signal to the appropriators and to the White House that we are serious and find the money somewhere. That is what we will be saying. I know they are going to say: Don't vote for this amendment. I am for the fence. Everybody is for the fence, JEFF. We just don't have the money.

How can we say that? We just voted to build the fence. We can't say we don't have the money. That is not an acceptable answer. So pass this amendment. Yes, it is going to cause some grief. Yes, there is going to be huddling of appropriators and budgeteers and the White House. They are going to have to hammer out a way to get the money to fund this thing. But to let this slip and to be on record as a Member of the Senate who just voted to build a fence and now vote not to fund it is not a good thing to do. It is going to send a bad signal to the American people. It is going to be a bad signal. They are going to say: They have been promising to have some enforcement and the first vote that comes up, the first bill that comes down the pike, they don't put the money in to do just what they voted to do.

Remember the fence can't be built and the agents we authorized to be hired can't be hired unless we appropriate the money. Please, we have to appropriate the money. I know this budget is tight. I will just say to my colleagues, I thank Senator GREGG for his support for the fence, his work in the supplemental to get more money for enforcement. If it had not been for his leadership, we would not have as much as we have. But it is not enough.

I encourage my colleagues to vote for this amendment. It is a statement by the Senate that somehow we expect this matter to be funded. There is plenty of money in this Government, if we look for it, to fund this important matter.

I thank the Chair and yield the floor.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4659 AND 4660, AS MODIFIED

Mr. SESSIONS. Mr. President, I have a modification at the desk for the two

amendments I have proposed. I ask unanimous consent that I be allowed to modify those two amendments, as we have proposed them.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 4659 and 4660), as modified, are as follows:

AMENDMENT NO. 4659, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" and under the subheading "CONSTRUCTION" is hereby increased by \$1,829,400,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a)—

(1) \$1,184,000,000 of which shall be used for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; and

(2) \$645,400,000 of which shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico.

(c) Discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced by \$1,829,400,000.

AMENDMENT NO. 4660, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. (a) The amount appropriated by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" and under the subheading "SALARIES AND EXPENSES" is hereby increased by \$85,670,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under the subheading described in subsection (a) \$104,000,000 of which shall be available to hire an additional 800 full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) pursuant to section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) which requires the hiring of not less than 800 more investigators than the number for which funds were made available during fiscal year ending September 30, 2006.

(c) Discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced by \$85,670,000.

Mr. SESSIONS. Mr. President, I will take 30 seconds to say that this amendment would authorize the appropriating committee to pay for the fencing—give them more discretion to pay for it out of the account they deem is appropriate. It would be across the board but within their discretion, so that no one particular account must be cut or reduced by passage of this amendment. The Coast Guard and other things would not have to be reduced in order to pay for this amendment.

I yield the floor.

Mr. GREGG. Mr. President, the points I previously made relative to

the impact of this amendment remain accurate. I continue my opposition to both amendments because of the across-the-board cut nature and the impact it would have on all elements of the Homeland Security Department. Even though the policy may be something we would agree with if we had the resources, we don't have the resources.

I call for the regular order.

The PRESIDING OFFICER. Under the previous order, there will be votes on four amendments: Menendez, No. 4634; Schumer, No. 4600; Sessions, No. 4659, as modified; and Sessions, No. 4660, as modified.

Prior to the first vote, Senator LEAHY is recognized for 1 minute, Senator MENENDEZ for 1 minute, Senator GREGG for 1 minute, and between the remaining votes there will be 2 minutes of debate equally divided in the usual form, and after the first vote each will be a 10-minute vote.

Senator LEAHY is recognized for 1 minute.

AMENDMENT NO. 4634

Mr. LEAHY. Mr. President, the underlying issue today on this amendment is that the administration has slashed Homeland Security funding. It has mismanaged the grants it has awarded. We would not be in the situation of pitting State against State if the President adequately funded Homeland Security. Grants are being cut from \$2.3 billion in 2003 to under \$1 billion this year—\$1 billion for the whole year, this Homeland Security grant. We spend over a billion dollars a week in Iraq. If we can spend money for homeland security in Iraq, we ought to be able to spend a tiny fraction of that here.

I commend Senator COLLINS for her leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, let me first say I totally agree with my colleague from Vermont. We are dramatically underfunded for what we need for homeland security. That truly is the core of the issue. I appreciate the spirit of the debate he has had with us on this issue and his comments. I simply believe that as we seek to fund it fully, the question becomes, What do we do now? The bipartisan, unanimous 9/11 Commission recommended that homeland security funding be based on risk. That is what this amendment does.

Many of my colleagues have actually made the case, by virtue of what they have said, that risk-based funding should be the very essence of our foundation. They made a good case for their respective States for risk-based funding when they argued that their States have high-risk targets. This amendment does nothing to eliminate the ef-

fectiveness component. It does not eliminate the minimum guarantees for States. But threat after threat has been revealed, and that makes it very clear where the greatest threats are in our country. That ultimately should be our thrust, driving our resources, those which we have, as we try to build more to where the risk is.

We are all in this together. We are called upon to vote for agriculture, hurricanes, and other things. I ask Senators to vote in favor of this amendment.

Mr. GREGG. Mr. President, I believe in a risk-based approach. I support the amendment.

I yield back my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is this a sufficient second? There is a sufficient second.

The question is on agreeing to the Menendez amendment No. 4634. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 64, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—36

Allen	Hutchison	Mikulski
Boxer	Inhofe	Murray
Byrd	Inouye	Nelson (FL)
Cantwell	Isakson	Obama
Chambliss	Kennedy	Santorum
Clinton	Kerry	Sarbanes
Coburn	Landrieu	Schumer
Cornyn	Lautenberg	Specter
DeWine	Levin	Stabenow
Durbin	Martinez	Vitter
Feinstein	McCain	Voinovich
Gregg	Menendez	Warner

NAYS—64

Akaka	DeMint	Lugar
Alexander	Dodd	McConnell
Allard	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bayh	Dorgan	Pryor
Bennett	Ensign	Reed
Biden	Enzi	Reid
Bingaman	Feingold	Roberts
Bond	Frist	Rockefeller
Brownback	Graham	Salazar
Bunning	Grassley	Sessions
Burns	Hagel	Shelby
Burr	Harkin	Smith
Carper	Hatch	Snowe
Chafee	Jeffords	Stevens
Cochran	Johnson	Sununu
Coleman	Kohl	Talent
Collins	Kyl	Thomas
Conrad	Leahy	Thune
Craig	Lieberman	Wyden
Crapo	Lincoln	
Dayton	Lott	

The amendment (No. 4634), as modified, was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. WARNER. Mr. President, I respectfully request that on vote No. 198 my vote be recorded as yea. It will not make a difference in the final tally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

Mr. CORNYN. Mr. President, on roll-call vote 198, I voted nay. It was my intention to vote yea. I ask unanimous consent that I be permitted to change my vote since the outcome will not be affected.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 4600

The PRESIDING OFFICER. There will be 2 minutes for debate on the Schumer amendment.

Who yields time?

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, this amendment is one which I believe would be supported by George Bush because it restores the amount of funding for FEMA by \$300 million. That is what the President requested.

We have had unprecedented disasters in the Northeast and in so many other places in other parts of the country as well. We have had disaster after disaster in this country. FEMA should not be underfunded. We should not have the people who have been wiped out by floods and drought and hurricanes sitting on tenterhooks in the hopes that maybe we will pass a supplemental 6 or 8 months from now.

This simply restores the President's request for FEMA. It would hardly be a profligate request. So I ask my colleagues on both sides of the aisle, particularly those from the Northeast, to support this amendment.

Mr. GREGG. Mr. President, the disaster relief fund has \$9.3 billion in it. That is more than enough money to get us through the balance of this year and will give us a surplus going into next year. We have \$1.6 billion in this bill to add to the \$9.3 billion for next year. If a disaster occurs and it is of significant proportions, we will obviously come back and do an emergency appropriations.

No money that would occur as a result of the amendment of the Senator from New York could be used this year for any disasters that have occurred this year in the Northeast because, of course, this money won't be available until next year. There is adequate money, however, to take care of the Northeast issues. So at this time I ask Members to oppose this amendment.

Mr. President, pursuant to the deeming language in Public Law 109-234, I raise a point of order against the emergency designation of the pending amendment.

Mr. SCHUMER. Mr. President, pursuant to section 402 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

Mr. GREGG. And this is a 10-minute vote?

The PRESIDING OFFICER. This is a 10-minute vote.

The clerk will call the roll.

[Rollcall Vote No. 199 Leg.]

YEAS—46

Akaka	Hatch	Nelson (FL)
Baucus	Inouye	Obama
Bayh	Jeffords	Pryor
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Santorum
Clinton	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Specter
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Talent
Feingold	Menendez	Mikulski
Feinstein	Mikulski	Wyden
Harkin	Murray	

NAYS—54

Alexander	Craig	Lugar
Allard	Crapo	Martinez
Allen	DeMint	McCain
Bennett	DeWine	McConnell
Bond	Dole	Murkowski
Brownback	Domenici	Nelson (NE)
Bunning	Ensign	Roberts
Burns	Enzi	Sessions
Burr	Frist	Shelby
Carper	Graham	Smith
Chafee	Grassley	Snowe
Chambliss	Gregg	Stevens
Coburn	Hagel	Sununu
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lott	Warner

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

The Senator from New Hampshire.

Mr. GREGG. I will raise a point of order against the amendment which was ruled not an emergency. The pending amendment would cause the bill to violate section 302 of the Budget Act.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

AMENDMENT NO. 4659, AS MODIFIED

Mr. GREGG. Now I understand we are on to the first amendment of the Senator from Alabama.

The PRESIDING OFFICER. There is 2 minutes equally divided on the Sessions amendment, No. 4659, as modified. Who yields time? The Senator from Alabama.

Mr. SESSIONS. This amendment would follow through on our 83-to-16 vote on May 17 to build 370 miles of fencing at the border and 500 miles of vehicle barriers, as requested by the Secretary of Homeland Security, Mike Chertoff. Unfortunately, this bill does not fund it. Just a few weeks ago, we authorized it. Now we are not funding

it. That is not acceptable and will undermine our credibility with the American people.

Please note that the amendment has been modified. The amendment has been amended, and it does not require any account to be reduced, such as the Coast Guard or others, but it does require discretionary spending in the bill to be reduced to pay for it, so it is paid for.

We need to honor our commitment and our vote of just a few weeks ago in order to maintain credibility with the American people on the question of immigration, an area in which they have great reason to distrust our actions. I urge my colleagues to vote for this amendment.

I know Senator GREGG and his team will figure out a way to fund it if we require it.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 30 seconds to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as I stated earlier on the floor, all of our colleagues need to understand that we have worked very hard to put together a balanced bill under the direction of the chairman and the ranking member on this side, Senator BYRD. This amendment will essentially cut Border Patrol agents, transportation security, Coast Guard operations, Secret Service, Office of Domestic Preparedness, FEMA disaster relief, and FEMA operations.

I urge my colleagues to vote against this amendment in order to keep a balanced bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Although I am very sympathetic to the purpose of the policy behind this amendment, the simple fact is that this sort of across-the-board cut would wreak havoc on this department and potentially mean significant reductions in a number of critical areas. This department does not have a lot of activity that is not critical to our homeland security, and a 5.5 percent cut across the board would have a devastating impact. So I have to oppose this amendment.

Mr. BYRD. Mr. President, I must oppose the Sessions amendment because it would eliminate critical border security funds from this bill.

The subcommittee has carefully balanced the needs of our law enforcement personnel on the border, and an across-the-board cut, like that proposed in the Sessions amendment, would leave our borders dangerously exposed.

I remain committed to strengthening the fencing along the border. But it is unwise to finance that fencing with cuts in our border security elsewhere.

I join the chairman in opposing this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 29, nays 71, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—29

Allen	DeMint	Nelson (NE)
Brownback	DeWine	Roberts
Bunning	Dole	Santorum
Burns	Ensign	Sessions
Burr	Enzi	Shelby
Carper	Grassley	Talent
Chambliss	Hatch	Thomas
Coburn	Inhofe	Thune
Craig	Isakson	Vitter
Crapo	Lott	

NAYS—71

Akaka	Feingold	McConnell
Alexander	Feinstein	Menendez
Allard	Frist	Mikulski
Baucus	Graham	Murkowski
Bayh	Gregg	Murray
Bennett	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Hutchison	Pryor
Bond	Inouye	Reed
Boxer	Jeffords	Reid
Byrd	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Cochran	Kyl	Smith
Coleman	Landrieu	Snowe
Collins	Lautenberg	Specter
Conrad	Leahy	Stabenow
Cornyn	Levin	Stevens
Dayton	Lieberman	Sununu
Dodd	Lincoln	Sununu
Domenici	Lugar	Voinovich
Dorgan	Martinez	Warner
Durbin	McCain	Wyden

The amendment (No. 4659), as modified, was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4660, AS MODIFIED

The PRESIDING OFFICER (Mr. CHAFEE). Two minutes are divided on the Sessions amendment numbered 4660.

Who yields time?

Mr. SESSIONS. Mr. President, this amendment will fund the investigative agents we authorized in the immigration bill that passed this Congress. It would do so by increasing the funding for \$85 million and would fully fund the 800 positions we authorized. We authorized 800 positions, but, unfortunately, we have only funded 141.

Once again, it raises serious questions, as in 1986, about whether or not we are going to talk but not be willing to put up the money to fund the bill.

Also, this will be offset by reductions in any discretionary account without mandating across-the-board cuts. The amendment has been amended from that previously filed so that no specific

account is required to be cut, such as the Coast Guard.

I believe we need to follow through on our commitment to the American people to increase our investigative agents. This will fund what we authorized.

Mr. GREGG. I yield 30 seconds to the Senator from Washington.

Mrs. MURRAY. As noble as it is to hire 800 full-time active duty investigators, this amendment cuts law enforcement grants, firefighter grants, emergency management grants, State Homeland Security grants, urban security initiative, FEMA, and, ironically, will cut money for the fence that is within the bill before the Senate. I urge a no vote.

Mr. GREGG. Mr. President, again, the policy is very laudable, but the problem is, the dollars are being taken out of other accounts. We are attempting to ramp up the personnel in a lot of Border Patrol activities, to ramp up the number of beds, and to ramp up our efforts in the Coast Guard.

This \$85 million is not going to come out of thin air and will have to come from one of these accounts or a series of accounts.

We have a balanced bill. As much as I appreciate the Senator's proposal, this .3 of a percent across-the-board cut will have a fairly significant impact on Homeland Security.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—34

Baucus	DeWine	McConnell
Bayh	Dole	Nelson (FL)
Brownback	Ensign	Nelson (NE)
Bunning	Enzi	Roberts
Burns	Grassley	Sessions
Burr	Hatch	Shelby
Carper	Inhofe	Talent
Chambliss	Isakson	Thomas
Coburn	Johnson	Thune
Craig	Landrieu	Vitter
Crapo	Leahy	
DeMint	Lott	

NAYS—66

Akaka	Dayton	Kyl
Alexander	Dodd	Lautenberg
Allard	Domenici	Levin
Allen	Dorgan	Lieberman
Bennett	Durbin	Lincoln
Biden	Feingold	Lugar
Bingaman	Feinstein	Martinez
Bond	Frist	McCain
Boxer	Graham	Menendez
Byrd	Gregg	Mikulski
Cantwell	Hagel	Murkowski
Chafee	Harkin	Murray
Clinton	Hutchison	Obama
Cochran	Inouye	Pryor
Coleman	Jeffords	Reed
Collins	Kennedy	Reid
Conrad	Kerry	Rockefeller
Cornyn	Kohl	Salazar

Santorum	Snowe	Sununu
Sarbanes	Specter	Voinovich
Schumer	Stabenow	Warner
Smith	Stevens	Wyden

The amendment (No. 4660), as modified, was rejected.

Mr. GREGG. I move to reconsider.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I ask unanimous consent that we proceed to an amendment by Senator REED, followed by an amendment by Senator DAYTON. After those two amendments are disposed of, we will have an hour of debate relative to the Vitter amendment, with Senator DURBIN controlling 45 minutes and Senator VITTER controlling 15 minutes. And then we will proceed to a vote on the Vitter amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. GREGG. I amend my request by saying that at the end of the hour of debate on Vitter, we will go to a vote in relation to the Vitter amendment without any second degrees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

AMENDMENT NO. 4613

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 4613.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 4613.

Mr. REED. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the reduction in operations within the Civil Engineering Program of the Coast Guard)

At the appropriate place, insert the following:

SEC. ____ The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, and design and construction centers, the Coast Guard Academy, and the Research and Development Center until the Committees on Appropriations and Commerce, Science, and Transportation of the Senate receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard. The plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification, an assessment of the costs and benefits of such modification, any proposed alternatives to such modification, and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.

Mr. REED. Mr. President, my amendment would require the Coast Guard to report to the Committees on Appropriations and Commerce, Science, and Transportation on proposed changes to the civil engineering program before the Coast Guard takes any action to alter or reduce operations within this particular program. The mission of the civil engineering program is to provide high-quality planning and real property and facilities maintenance to support Coast Guard units across the country. In my judgment, reducing staff and reorganizing the civil engineering program is not appropriate, given the current workload and the increased number of homeland security responsibilities taken on by the Coast Guard. If significant reductions in personnel and offices take place, I have serious concern that the Coast Guard would not be able to adequately support its shore facilities in New England and across the Nation.

The work performed by employees of the Coast Guard civil engineering program is of paramount importance. It is important that Congress review any plan to reorganize or consolidate this program.

It is my understanding, hope, and expectation that the amendment will be accepted by voice vote. I thank my colleagues on the Appropriations Committee and the Commerce Committee for their kindness.

Mr. GREGG. Mr. President, I ask for a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4613.

The amendment (No. 4613) was agreed to.

Mrs. MURRAY. I move to reconsider.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

CHANGE OF VOTE

Mr. DAYTON. Mr. President, on rollcall vote No. 194, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4663

Mr. DAYTON. Mr. President, I call up amendment No. 4663 and ask for its immediate consideration, and I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 4663.

Mr. DAYTON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount appropriated for United States Customs and Border Protection salaries and expenses by \$44,000,000 to place an additional 236 border patrol agents along the Northern Border and to fully offset that amount with corresponding reductions in the appropriations for administrative travel and printing.)

On page 70, line 21, strike "\$5,285,874,000;" and insert "\$5,329,874,000, of which \$44,000,000 shall be used to hire an additional 236 border patrol agents."

At the appropriate place, insert the following:

SEC. _____. (a) All amounts made available under this Act for travel and transportation shall be reduced by \$43,000,000.

(b) All amounts made available under this Act for printing and reproduction shall be reduced by \$1,000,000.

Mr. DAYTON. I thank Senator GREGG and Senator MURRAY for their gracious help in fashioning this amendment. It does not add any additional funding to this bill. It does, however, redirect \$44 million from travel and transportation, printing and reproduction to hire 236 additional Border Patrol agents to protect our country's 5,525-mile northern border which covers 13 States, including my State of Minnesota. When Congress passed the 9/11 act in 2004, there were reportedly 994 Border Patrol agents working on our northern border. Since then that number has declined to 950 border guards, and only 250 of them are working at any one time.

I recognize the very serious needs on our southern border and fully support the need for additional Federal border guards there. The fact that President Bush is calling yet again upon our National Guard to reinforce those southern border patrols evidences the shortsightedness of the administration and a majority in Congress opposed to Democratic caucus efforts in the Senate 10 times during the past 4 years to increase funding for Border Patrol and other homeland security efforts. Once again, the administration says one thing but does another. Now it has evidently actually reduced the number of northern Border Patrol agents since 2004, despite the 9/11 Commission in its report noting:

Despite examples of terrorists entering from Canada, awareness of terrorist activity in Canada and its more lenient immigration laws, and an inspector general's report recommending that the Border Patrol develop a northern border strategy, the only positive step was that the number of Border Patrol agents was not cut any further, despite the fact that the only terrorist caught entering the United States, millennium bomber Ahmed Ressaam, tried to come in from Canada. We also know that criminal gangs are trafficking Asian sex workers in Canada into the United States. The result is that Minnesota's northern border counties such as Kittson and Lake of the Woods are struggling by themselves to protect their communities from drug traffickers and other illegal invaders. They say they can't rely on Fed-

eral Border Patrol agents because there aren't any there. These five or six-person local police and county sheriff operations in northern Minnesota are nearly entirely on their own.

My amendment will increase the number of northern Border Patrol agents across this country by 24 percent while taking nothing from our southern Border Patrol reinforcement.

I urge its adoption.

I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4663) was agreed to.

Mr. DAYTON. I thank the Chair and yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4615, AS MODIFIED

Mr. DURBIN. I was waiting in deference to the sponsor of the amendment. I think it is appropriate for him to open the debate. Now I am told that my time is running because he is not here. I have no option or alternative but to speak to the amendment.

I cannot believe this amendment is being offered to this bill. This is a bill on homeland security. This amendment relates to a declaration of a disaster, a disaster like Hurricane Katrina. Do you know what happens in times of disaster? You have probably seen it. Basic law enforcement breaks down. The police you expect to be there to manage things are overwhelmed. There are too many things going on at once. The fire department, the police department are trying to maintain order in the midst of chaos. Don't take my word for it. Remember what you saw on CNN around the clock. It was absolute chaos as people were being flooded out of their homes, desperately swimming through the water trying to reach the Superdome, trying to find a safe place.

What happened was, the police decided under those circumstances they wanted to maintain order. So the first thing they said is: This is a gun-free area. When people go into the Superdome, they don't bring guns into the Superdome because there are families there. There are mothers, fathers, and children. We are going to keep this as a gun-free area.

They obviously were sensitive to the fact that anyone can be vulnerable in a situation such as that. Imagine if your

son or daughter is in a National Guard unit sent to this emergency trying to maintain order and snipers start shooting at them. It can happen. You may recall the reports of gunfire going on in New Orleans. I have no idea how valid those reports were. But it is understandable that law enforcement agencies in those situations will say: Wait a minute. We have to establish order. We have to at least have a safe zone around our National Guard troops so they don't get shot while they are down there trying to save these poor people.

Do you recall all those people who were filing across the bridge? Mothers were carrying babies. Imagine if someone was standing at the top of that bridge with a gun saying: Give me your money, as they come by. The police are trying to maintain order. In those circumstances, wouldn't you want to give the police, law enforcement agencies, the tools they need to protect rescue workers, to protect National Guard troops, to protect the mothers and fathers with their children who have been dispossessed from their homes? It is an obvious thing. It is commonsense.

Along comes the Vitter amendment. Do you know what Mr. VITTER, my colleague from Louisiana, suggests? None of the funds appropriated by this act shall be used for the seizure of a firearm based on the existence of a declaration of a state of emergency. You can't take the guns away. If they declare a disaster an emergency, you can't say to people, this is a gun-free zone and we are taking your gun away.

Is that what the second amendment is all about? Is that what the right to bear arms is all about, in a state of an emergency, in an effort to restore order in a chaotic situation, that you want to take away the power of a law enforcement agency to say: You can't bring a gun into the Superdome because there are children in there trying to sleep and mothers trying to keep them together in the midst of a disaster? Is that a violation of the second amendment to say if they are taking potshots at the National Guardsmen who are down there risking their lives for those poor people in that situation, that we are going to stop the guns from being close to where they are staying, where they are living? Is that a violation of the second amendment to say if somebody is using a gun which they might legally have but using it in an illegal fashion, you can't take the gun away?

That is what this amendment does. This is an incredible amendment. I can't believe that we would want to tie the hands of law enforcement in the midst of an emergency situation, when it is difficult to maintain law and order.

Years and years ago I went to law school in Washington. In 1968, I was sitting in my law school library, where I

should have spent a lot more time. This city turned into pure chaos with the assassination of Dr. Martin Luther King, Jr. There were riots in the streets. Buildings were being burned. People were being arrested for looting and arson by the hundreds and thousands. The whole system disintegrated.

They went to the law schools and said: You are going to be lawyers today. You are going to represent people. The system was out of control. We were trying to establish order. We were trying to give to the police what they needed to get things settled down to keep people safe, to protect innocent victims.

I lived through it. I saw it. You have seen it, maybe not in your personal life, but following it on television. Yet, what we have here in the Vitter amendment is, it takes away the authority of law enforcement to take a gun from a person even if it is a threat to a helpless victim in a disaster or if it is a threat to a National Guard trooper or if it is a threat to another law enforcement agency.

Let me tell you what else. In his original version of the amendment, which he has changed, the Senator says we will make an exception—I want to make sure I get this right. If you see someone who has a gun, which could be seized under Federal or State law in a criminal investigation—think about that, this is a gun that may have been used to murder someone—you can take that gun in the midst of a disaster. They took that out. So if someone is standing there with a gun that you know was used in a criminal situation for a murder, they take away the authority of the law enforcement people to even seize that gun if someone has declared a disaster.

What are we thinking? Why would we do this to the men and women in law enforcement, to the National Guardsmen, or to innocent victims, which could be you or me or people we love, in a disaster they cannot even anticipate? Why would we do that?

I will tell you why. We are doing it for the National Rifle Association. We are doing it for the gun lobby. In their devotion to the second amendment, they have closed their eyes to the obvious. Owning guns legally and using guns legally in America is a protected right in Illinois and most States. But to take a situation that is a disaster, when the law has broken down and to say that you won't allow law enforcement to take a gun away that might be used to hurt an innocent person, that just goes too far.

I reserve the reminder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I again stand to strongly support this amendment and urge my colleagues to vote for its passage.

I have only been able to listen to some of the comments of the distinguished Senator from Illinois. I really think he has been watching a very different disaster and scenario than I experienced and lived through on the ground in Louisiana. I can tell you that the confiscations we are talking about were not from the criminals he is referring to—by the way, confiscations from criminals who are engaged in criminal activity can still occur under my amendment. The police have the power and the authority to enforce the law, which includes apprehending criminals and taking weapons away from criminals committing criminal acts.

The confiscations I have been talking about that happened in the disaster area were from law-abiding citizens. They were law-abiding citizens who didn't have a phone line to communicate with the police or anyone else. They were law-abiding citizens who were isolated in their homes, frightened, and only had their own resources and witnesses and, yes, in some cases, firearms, to protect themselves and their families and to protect their possessions. Those are the confiscations that happened. Those are the confiscations we are trying to prevent.

And, of course, this amendment would in no way prevent confiscations from criminals, those involved in criminal activity. Of course, the police have the full power and authority to enforce the law in that situation, as they do at all other times.

That is why the Fraternal Order of Police strongly supports this amendment. That is why they have written a letter expressing that strong support. I would like to read a portion of it:

Your amendment would prohibit the use of any funds appropriated under this legislation from paying for the seizure of firearms during a major disaster or emergency, except under circumstances currently applicable under Federal and State law. As we witnessed in the communities along the Gulf Coast in the wake of Hurricane Katrina, large-scale critical incidents demand the full attention of law enforcement officers and other first responders. During this time, the preservation of life-search and rescue missions is the chief priority of every first responder. Further, breakdowns in communications systems and disaster-related transportation or other infrastructure failures will lengthen a law enforcement agency's response times, increasing the degree to which citizens may have to protect themselves against criminals. A law-abiding citizen who possesses a firearm lawfully represents no danger to law enforcement officers or any other first responder.

That is why the Fraternal Order of Police are supporting this amendment, as well as, yes, the NRA, who supports this amendment. I say that proudly. I don't say it with any fear that it brings disrespect to the cause.

With that, I yield 5 minutes of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, this is not a curious amendment. It has nothing to do with the Superdome in New Orleans at the time of Katrina, because if law enforcement people were standing at the door and they said you could not enter with a legal or illegal firearm, you could not enter. But the Senator from Illinois would like to suggest to you that this is to stop chaos within the Superdome.

That is flatly false. It is important that you understand that. That would not prohibit—if we want to fast forward, God forbid, to a national disaster in Chicago of an unprecedented kind, and for the police to say for those seeking sanctuary at the McCormack Center, you cannot bring guns in here—this amendment would not prohibit that. This amendment agrees with a Federal judge who got an injunction to stop the chief of police of New Orleans from acting illegally. That is what it did.

I am not going to judge the chief of police. He has resigned and is long gone. He left town. He was in a crisis situation. But in this instance the Senator from Illinois is right. When law enforcement breaks down in a national or local disaster, should not the private citizen who legally owns a firearm have the right to protect themselves and their property? The answer for 200 years in this Nation is absolutely yes.

I will give you a couple of situations. A little old lady is sitting on her porch in New Orleans with a shotgun across her lap. Why? Because there were marauders in her neighborhood who were stealing and robbing. She was protecting her home, property, and life. The police came and ripped the gun out of her hand and said, Get out of our way. That happened. I saw it on videotape. It happened. She had not shot anybody. She was deterring those from entering her home and stealing her life savings.

Another example: A couple is moving down one of the canals of New Orleans in their boat. They lost their home and they were in their boat, and it was post-Katrina. They were stopped by the local water patrol in the area, who said, Do you have a firearm on board, and they said, Yes, we do. Is it legal? Yes, it is; here are the papers. Give us your gun. That is what happened. That is really what happened in New Orleans. A Federal judge finally stepped in and said, Stop that, you cannot do it, and, by the way, the thousands of firearms that you have confiscated, give them back, they are private property. Guess what happened. They didn't give them back because they kept no records. They were on a massive sweep. Even some of the local police who were interviewed were embarrassed because they were taking guns away from people and they knew it was their only defense in protecting their own property.

Is the Senator from Illinois denying the basic right of property, defense,

self-defense, and family defense in a national disaster when law enforcement breaks down? You bet he is. But the Senator from Louisiana is saying quite the opposite. The Senator from Louisiana is also saying that current law, Federal law, is in no way abridged here. That is fundamentally important. Circumstances can get very, very difficult.

I would not want to prejudge the former chief of police of New Orleans in an impossible situation. When criminal elements were misusing firearms, as they always do, but where private citizens were protecting property, as they can and should have the right to do with the use of their firearms, in his broad sweep of a desire to protect, he took everything. That should not happen. When I saw it happening and when I heard about it, I said, Not in America; that is not the way this country works.

But for a moment in time, that is the way it worked in New Orleans, until a Federal judge stepped up and said, You are out of bounds and off of the law, so stop it. That is what happened.

Now, this should not have been done in the Superdome, and there were none. This amendment would not prohibit that. It would not deny current law and the right of the police to so designate. But it would prohibit the kind of order that would create the sweep of law-abiding citizens who were using a firearm for the protection of their property, their life, and their family's life.

The day we give up the right of self-protection in this country by law-abiding citizens is the day we become the victims of government. That is something that should never be allowed.

I thank the Senator from Louisiana for offering the amendment. It is appropriate, timely, and I hope our colleagues will support it.

Mr. DURBIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes. The Senator from Illinois has 37 minutes.

Mr. DURBIN. Mr. President, I see the Senator from Massachusetts here. I will speak briefly.

What the Senator from Louisiana understands, and I think will concede, is that this is the third version of this amendment. It has been written and rewritten and rewritten again. What you have heard described may reflect an earlier version, but it doesn't reflect what is before us, I say to the Senator from Idaho. I respect him and I know he has a good understanding of the Constitution and the laws.

Let me read the words in the amendment before us:

None of the funds appropriated by this act shall be used for the seizure of a firearm based on the existence of a declaration of a state of emergency.

Did you hear a reference to existing State and local law exemption, which

both the Senator from Louisiana and Idaho referred to? No.

Mr. KENNEDY. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. KENNEDY. Let me ask, if we had a 9/11-type situation and you had Wal-Mart that was closed down, with broken windows, and they have a series of guns in the back, and K-Mart and pawn shops were broken down, does the purpose of this for first responders say they have to leave those guns on the shelves so that looters can arm themselves and terrorize a community? Would that be the result, in your reading of this?

Mr. DURBIN. It is so broad that that is exactly what would happen. All of the commonsense explanations you have heard notwithstanding, that is not what the amendment says.

Mr. KENNEDY. Let me ask further, did not the Senator from Idaho—I know the Senator from New Jersey and myself have indicated that if they wanted to go ahead and have some way that individuals could demonstrate they had a legitimate ownership of that gun, they would be immune from this amendment. That was rejected, as I understand it.

Mr. DURBIN. I say to the Senator that if the Senator from Idaho and the Senator from Louisiana want to put together an amendment that allows me to protect my home, as you have described, with my legally owned firearm, I have no objection to that. There are circumstances here that we could write into it, but as it is written, this prohibits the seizure of a firearm based on the existence of a declaration of a state of emergency. That covers it all. If they are firing on National Guardsmen and they say we are going to have a gun-free area around where the Guardsmen are living, you could not seize the guns. You could not take them away, according to the Vitter amendment.

Earlier versions of the amendment were much more explicit and they went through explanations, and the Senator, because he is on an appropriations bill and has procedural challenges, took out the language that clarifies what he is trying to do, and what he left behind is language that goes too far.

I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am grateful for the leadership of the Senator from Illinois. That is why the International Brotherhood of Police and the Major Chiefs of Police for the Major Cities strongly oppose this amendment, because it interferes with a police officer's discretion to react as he or she sees fit under extreme emergency circumstances. The International Brotherhood of Police also notes that responsible gun owners who continue to act in accordance with federal, state, and local law are unlikely

to have their guns confiscated unless they use or possess the guns in a manner or place that would be prohibited or threatening. That's why they aren't endorsing this amendment.

We are here today talking about the increase in availability and accessibility. Today's USA Today is talking about the extraordinary growth in crime that is taking place in communities across this country. And one of the reasons that the police chiefs give is because of the accessibility and availability of what? Guns.

So the Senator from Louisiana is saying we want to make these guns in crisis situations more accessible, more available, when you have thugs and those who go out and loot the unfortunate. What possible sense does that make? It makes sense from the NRA's point of view, but when you are trying to have a community that is subject to that kind of violence, that makes no sense whatsoever.

Mr. President, we get to the question, well, if people are law-abiding and they own those weapons, guess what? The NRA will not let you list or gather the list for legitimate law-abiding people. They don't want anybody on the list. They won't let you collect names.

As the Senator from New Jersey has pointed out, at the time of 9/11 when we had all of those terrorists here, you could find out where they spent the night, you could find out what they charged on their credit cards, you could find out what cars they rented or what hotels they stayed in, but you couldn't find out where they bought their guns. Why? Because of the NRA. They said they won't permit anyone to keep records.

This is payoff time, payback time to the National Rifle Association, and it will be payoff time if this goes through.

The next time, the Lord only knows, when we have a natural disaster or terrorist attack, when people are at a height of anxiety and places that have these weapons are deserted—not only handguns, but rifles and sometimes even machine guns—we are going to find that the school is out: First responders, leave them alone. Sure we are having strife and violence in the streets, but the Vitter amendment is going to protect the second amendment and leave that alone.

That is hogwash, Mr. President. That isn't security. This makes a sham of the Homeland Security bill—a sham of it. And that is what this amendment is.

As the Senator from Illinois has pointed out, it is very simple:

None of the funds appropriated by this Act—

That means nothing, no first responders—shall be used for the seizure of a firearm based on the existence of a declaration or state of emergency.

If there is any harm out there whatsoever, no first responder can see it. If a gun is lying

out there and there is a terrorist who wants to grab it and cause mayhem, the Vitter amendment says the first responder cannot seize it. Go ahead, help yourself, help yourself; go on in that shop and take every rifle and piece of ammunition you want. Why? Because we are first responders. And then come on out and cause havoc.

That is what this says, not what some have stated it says. Read the language. The language is clear. That is what it says, and that is why this makes absolutely no sense.

We talk about trying to deal with the problems of violence in our communities. We see the proliferation of violence that is taking place, and we are going to make it easier in times of crisis to go out and get more guns when, on the front page of the newspapers, they say this is a contributor to the growth in violence that is taking place in all of our communities in this country.

If you want to be in the tank for the NRA, be our guest because that is what this is all about.

This amendment makes absolutely no sense in terms of the safety and security of our communities in times of crisis, in times of natural disasters, and in times of potential terrorists in this country. That is the time we need restraint. That is the time we need responsibility. That is the time we ought to follow the first responders who are trained for these kinds of crises, but what we know is those individuals think this amendment makes no sense whatsoever.

I reserve the remainder of my time.

Mr. DURBIN. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There is 29½ minutes remaining.

Mr. DURBIN. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I appreciate the opportunity to speak on this issue because, frankly, it is so hard to comprehend that it needs clarification.

What are we talking about? We are saying if people have guns, and they are caught up in the chaos of a natural disaster, with people being chased out of their homes, people being rescued from rooftops, people begging for assistance, hanging out of windows, and so forth, if you have the wrong person who is hollering for help, and you are a first responder and you go into that house, you could get shot.

What is the sense of this? We are not saying you are being deprived of a privilege at that point. What is the privilege? To maybe kill a neighbor? Mr. President, if there are 30,000 people in a place that cannot accommodate that number, and in the middle of that confusion, in the middle of that frustration, in the middle of the anger and the rage that has to follow because you

have been taken out of your home, or maybe don't know where your children are or where your spouse is, and the mental attitude that could exist in that situation, and they are making sure you have your pet pistol handy?

It is outrageous, and it should not be allowed. We have to vote against the Vitter amendment because what it attempts to do is to make sure there is protection. The protection, however, is for the NRA. National Rifle Association really means "No Records Available" and that is ridiculous that we don't want to have lethal weapons controlled in times of crisis.

I am sure the Senator from Louisiana is reacting to a situation. To put it bluntly, I think the Vitter amendment would put the lives of police officers, National Guard troops, rescuers, and victims of a disaster in far greater danger. The Vitter amendment would prevent law enforcement officials and rescuers, first responders from collecting firearms from individuals, even temporarily, during an emergency or major disaster.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. LAUTENBERG. I will be pleased to yield.

Mr. KENNEDY. If a situation arose where a home is abandoned, and there are guns—say there were two guns and ammunition available and first responders came in, the house has been abandoned and looters are out there looking around in different buildings, the way I read this amendment is if the first responders get there first and they see these two rifles or additional handguns, the first responders will be prohibited from removing those weapons, preventing them from the possibility of falling into the hands of the looters; am I correct?

Mr. LAUTENBERG. The Senator is absolutely correct. Imagine this in response to what the Senator is saying: There were felons turned loose on the streets, there were looters occupying homes or anything to get themselves out of the flood or out of the way and steal anything, and here we give them a present. Not only did they find a roof over their head, they found guns.

So someone innocently trying to be of help comes in, such as an ambulance group, a physician, a coastguardsmen—look how gallant the Coast Guard people were—and imagine they try to break their way into a window to rescue someone they know is in there, and some crazy is there with a gun. Everybody knows, despite the fact that the person coming into the house wants to be of help—visualize what is taking place in some of the major cities across our country, where fire trucks responding to a fire are shot at. Here we are going to say: Wait a second, don't take away their guns. Maybe we ought to take away the fire engine, but don't take away their guns.

It is the NRA button. It has been pushed by the organization, and they are saying: Hey, don't let them encroach on our weapon ownership, even if the crisis is one that is going to take lives, as we saw in Katrina. Imagine being in that facility, that hall with all those people who were desperate to find some way out of that mess and someone starts an argument. Pistols, guns around? Outrageous.

What it means is that our law enforcement community will not be able to, even temporarily, hold weapons to protect other victims of the community at large during this crisis. At the next evacuation center, such as the Louisiana Superdome, we should allow people to roam around that facility with guns and assault weapons? What happens if someone wants to steal something they see one of their neighbors has and an argument ensues? The lawfulness is gone. They will be totally out of control giving somebody a gun like that.

I was fortunate enough to have the opportunity to write a law that took guns away from domestic abusers of children and spouses. We had a huge fight over it and finally we got it through. It was 1998. Since then, we have had over 100,000 gun permits denied to people who get so enraged that they beat up their kids, their spouse, their wives, their husbands, and the NRA was in there fighting every inch along the way: Oh, no, don't deprive the people of their freedom to beat up their wife, beat up their kids, and maybe if they are drunk enough, they may want to take a couple of shots at members of their household. No, we stopped that.

We plead with the Senator from Louisiana: Don't force us to vote on this amendment. Don't do it. Think about the people in Louisiana and think about what it might have been like in New Orleans at that time, with water running over the rooftops in many cases. Now we are asking for the right to prohibit law enforcement from confiscating guns if they knew where they are? Perhaps one of these people who had a gun, been arrested and convicted for domestic abuse still has the gun—let them sit there with a gun and try to enter into a household that is disturbed? It is not right, not fair.

The Senate is going to tell law enforcement officials who are trying to control these facilities that they are powerless: Keep your hands off those guns, policemen, FBI agents, FEMA people; keep your hands off those guns. Our police and Federal law enforcement officers are the first line of defense in terrorist attacks and natural disasters, and they have to have some degree of discretion.

The International Brotherhood of Police Officers thinks this about the Vitter amendment:

The IBPO stands by our brothers and sisters in law enforcement and disapproves of

any legislation that may interfere with a police officer's discretion to react as he or she sees fit under extreme emergency circumstances.

Furthermore, the IBPO believes that responsible gun owners who act in accordance with Federal, State and local law are unlikely to have their guns confiscated unless they use or possess the guns in a manner or place that would be prohibited or threatening.

They are confirming that this is a bad idea.

The Vitter amendment would make it almost impossible for officials to set up safe areas during an emergency. It would turn evacuation centers into the Wild West. Take the guns and set them up in a safe area so they are returned to the owners. However, be careful to make sure that the original owner, the person who turned the gun in, isn't really a felon on the loose. Police know that large crowds, confined quarters, and limited amounts of food and water will lead to high tempers and leave people on the edge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent for 2 minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I thank the chair.

Understandably, police don't want guns in those shelters. The police must have the right to make that shelter a gun-free area. So what do they do? They say: Hey, Joe, turn in that gun; turn it in, and as soon as you are settled, we will keep it in safekeeping for you, and we will give you back your gun. But meanwhile, don't permit that gun owner, in a moment of rage, to do damage that is irreparable.

The fact is, our law enforcement community has to have the ability to make decisions that it believes will ensure the health and safety of the community at large. There is no valid reason law enforcement agencies should be prevented from doing their job in times of emergency. Let's not make it tougher for them. What do we want to do in times of crisis such as a flood, an earthquake, a hurricane, a tornado? At times like that, do we want to make it tougher for our emergency response people to carry out the duties they volunteer for, typically, and do so efficiently, under dangerous circumstances to themselves?

Let the NRA say: Come on, come on, let's let them have their guns. What is the difference? So they may take a shot or two. That is how it sounds to me, and I hope it sounds the same way to others.

I yield the floor.

Mr. DAYTON. Mr. President, I ask unanimous consent that my request with respect to vote No. 194 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish the Senator from Louisiana had offered this and just said: That is the way we want it in Louisiana. That would be OK. But why he wants to do this so it will affect my State of Massachusetts or other States is something I find unacceptable.

I quote here from Superintendent Warren Riley. He was the superintendent of police in New Orleans. He said:

Most of the weapons were not taken from the hands of gun owners. Instead, they were seized from empty homes where evacuees left them behind to prevent looters from getting their hands on them.

Well, if we accept the Vitter amendment, they won't have that opportunity to do it again. If that was the purpose, for gun owners to be able to have it, then the Vitter amendment should be redrafted. That isn't what his amendment says. Under the Vitter amendment, the police chief and the police chief in Boston or Springfield or Worcester or New Bedford or Fall River or any one of our communities would not be able to provide protection for the citizens of those communities.

Mr. DURBIN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Fifteen and a half minutes.

Mr. DURBIN. Mr. President, I understand that Senator VITTER has 6 minutes remaining; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. In the interest of bringing this debate to a close—we have had much more time than you have—I will make a few closing remarks and then give the floor to the Senator from Louisiana to close. I would ask the Senator from Louisiana if he is going to request a rollcall vote on this amendment?

Mr. VITTER. I am.

Mr. DURBIN. I thank the Senator for responding, and I will be as brief as I can. I thank my colleagues from Massachusetts and New Jersey.

Understand the situation we are talking about. This is not ordinary life in America. It is a time of a national emergency. It is a time of disaster. God forbid something like 9/11 should occur again; or Hurricane Katrina. It is an extraordinary circumstance where ordinary life is challenged, and we are just this close to seeing our society disintegrate, and the law enforcement officials are trying to keep things together. People are injured. People are pushed out of their homes. Fires are taking place. Chaos is reigning, and they are trying to keep the society together. So they make it clear that in some places, you can't use guns. Where you might have been able to use them under ordinary circumstances, because of a disaster, you cannot use them.

The example I use is you send the National Guardsmen in, they are sent in by the hundreds and thousands to maintain order, and then snipers start shooting at them. The police make it known that this will be a gun-free zone. We are going to confiscate every gun. We don't want any National Guardsmen killed because of this emergency, this disaster. Is that unreasonable? Not if it is your son or daughter who is a member of the National Guard.

But according to the Vitter amendment, the Vitter amendment would prohibit the seizure of a firearm based on the existence or a declaration of an emergency. You couldn't seize the firearm to protect the National Guardsmen or those, as the Senator from New Jersey said, driving down the street trying to put out the fire. People are shooting at them and they say: That is it, we are clearing the guns away from these major highways. We don't want people to be shooting at policemen and firemen and rescue workers. We don't want snipers killing people who are piling sandbags to save levees. Is any of that unreasonable? It sounds like exactly what we want our law enforcement agencies to do. But the Vitter amendment will tie their hands. The Vitter amendment will stop them.

One Senator came up to me on the floor and said: This doesn't sound like the Vitter amendment that was described to me earlier. It is not. This is the second rewrite of the original amendment. Each time Senator VITTER has rewritten it, in fairness to him, he has had to comply with Senate rules and he has had to change the wording, and now the wording is terrible. It no longer allows for existing State and Federal and local law enforcement, it no longer allows for the confiscation of guns that you know were used in the commission of a crime. These were in an earlier version of the amendment, but they are no longer there. It just says you can't use any of the funds in this act to seize a firearm based on the existence or the declaration of a state of emergency. It is the wrong way to go.

I suggest to the Senator from Louisiana that I hope he will withdraw this amendment. If he wants to do what the Senator from Idaho suggests, which is to put in an amendment to allow people to protect their own homes with their own legally owned firearms, I am not going to object to that. I don't think we should. But in this situation, in a disaster or an emergency, to say that law enforcement cannot control the flow of firearms—God forbid we face terrorism again in America and those people are armed and the law enforcement agencies don't have the power to take the guns away from them in a state of emergency. What are we thinking?

I hope the Senator from Louisiana will reconsider his position. I will yield

the floor at this point and allow him to close, and then we can move to a roll-call if he requests one.

Mr. VITTER. Mr. President, in closing and in support of my amendment, I wish to make four brief points.

First of all, I reiterate the widespread support for this amendment from many quarters, including the Fraternal Order of Police, a leading organization of law enforcement personnel. I ask unanimous consent that this strong letter of support be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
Washington, DC, July 13, 2006.

Hon. DAVID VITTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR VITTER: I am writing to you on behalf of the members of the Fraternal Order of Police to advise you of our support for an amendment you intend to offer to H.R. 5441, the FY2007 appropriations bill for the U.S. Department of Homeland Security.

Your amendment would prohibit the use of any funds appropriated under this legislation from paying for the seizure of firearms during a major disaster or emergency, except under circumstances currently applicable under Federal or State law. As we witnessed in the communities along the Gulf Coast in the wake of Hurricane Katrina, large scale critical incidents demand the full attention of law enforcement officers and other first responders. During this time, the preservation of life-search and rescue missions—is the chief priority of every first responder. Further, breakdowns in communications systems and disaster-related transportation or other infrastructure failures will lengthen a law enforcement agency's response times, increasing the degree to which citizens may have to protect themselves against criminals. A law-abiding citizen who possess a firearm lawfully represents no danger to law enforcement officers or any other first responder.

On behalf of the more than 324,000 members of the Fraternal Order of Police, I am pleased to offer our support for this amendment and look forward to working with you to getting it passed. If I can be of any further assistance on this issue, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

Mr. VITTER. Secondly, Mr. President, I will also request that the following list be printed in the RECORD. It is a list of 10 States that have already passed State law doing exactly what we are going to do here on the floor of the Senate today, and that is simply say that a declaration or a state of emergency in and of itself does not give law enforcement the right to confiscate firearms held in legal possession. Ten States have already done that. One additional State, the State of Ohio, has pending legislation.

I ask unanimous consent that this list be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMERGENCY POWERS 2006

Alaska—HB 400, sponsored by Representative John Coghill (R-11) passed out of the Senate 19-1 (4/27); House concurred on Senate amendments 30-4 on (4/28); signed by Governor Frank Murkowski (R) on May 18.

Idaho—SB 1401; passed Senate unanimously 34-0 and passed House 59-6; signed by Governor Dirk Kempthorne (R) on March 30.

Florida—HB 285, sponsored by Representative Mitch Needelman (R-31) unanimously passed the House 116-0 and passed the Senate 40-0; signed by Governor Jeb Bush (R) on June 7.

Kentucky—HB 290, the "Gun Owner Protection Act" sponsored by Representative Robert Damron (D-39), includes: prohibits government officials from restricting the rights of law-abiding gun owners during declared states of emergency, HB 290 passed the House with a vote of 89-7 on February 15 and passed the Senate with a vote of 35-2 on March 24. The House concurred 90-4 that same day; signed by Governor Ernie Fletcher (R) on April 22.

Louisiana—HB 760 by Representative Steve Scalise (R-82)—an NRA-backed bill amending the state's emergency powers laws to prevent New Orleans-style gun confiscations in the event of another natural disaster in Louisiana; House unanimously approved (102-0), Senate approved 36-0; House concurred 98-0; signed by Governor Kathleen Blanco (D) on June 8.

Mississippi—HB 1141, enables hunters to continue hunting on certain-sized land tracts annexed by a city or county, even if that locality bans the discharge of firearms within its limits; prohibits the seizure and confiscation of firearms by local officials in the unfortunate event of a future natural disaster in Mississippi; and permits employees to transport and store firearms in their locked, private vehicles while parked on their employer's property if the employer does not provide secure parking separate from the public; signed by Governor Haley Barbour (R) on March 23.

New Hampshire—SB 348, sponsored by Senator Peter Bragdon (R-11); signed by Governor John Lynch (D) on May 15.

Oklahoma—HB 2696, sponsored by Representative Trebor Worthen (R-87), passed the House overwhelmingly with a vote of 94-1, and unanimously in the Senate with a vote of 46-0; signed by Governor Brad Henry (D) on April 20.

South Carolina—S 1261, sponsored by Senator Danny Verdin (R-9), prohibits the Governor, or any government agency, from suspending the Right to Keep and Bear Arms during a state of emergency and prohibits South Carolina Law Enforcement Division (SLED) from releasing the personal information of Right-to-Carry (RTC) permit holders unless the request for the information is part of an investigation by law enforcement. Signed by Governor Mark Sanford (R) on June 9.

Virginia—HB 1265, sponsored by Delegate William R. Janis (R-56), unanimously passed House 97-0 (2/08) and Senate 40-0 (3/7); signed by Governor Tim Kaine (D) on April 4.

Mr. VITTER. Mr. President, I wish to make a third point, which is that, quite frankly, I find it somewhat ironic that the Senator from Illinois would welcome more detailed language, as I

did have in the earlier draft, because the reason we don't have slightly more detailed language on the floor is because of a rule XVI objection by the leadership, the Democratic leadership, those working against the amendment in conjunction with the Senator from Illinois. So they objected to more detailed language in one breath, and then after we redrafted the amendment to comply with Senate rules regarding germaneness, they object to less detailed language in the next. You can't have it both ways.

The fourth and final point is that the language we do have on the Senate floor goes to the heart of the issue and protects fundamental second amendment rights.

There is one point I strongly agree with the Senator from Illinois about, and that is that we are not talking about ordinary life in America, an ordinary day; we are talking about a time of emergency where everything is different, where the world is turned upside down.

It is exactly that very reason that this second amendment right to bear arms and use legally possessed firearms in defense of yourself, your life, and your property is so crucial, because you know what, your phone line in this very unique situation doesn't work, your cell phone and Blackberry don't work, there is no communication, and you can't reach out to the law enforcement authorities and have them there in a reasonable amount of time when your home is being broken into. All of that is gone. All of that is gone. The only thing that remains, in many instances, is your legally possessed firearm. That is the only thing for the defense of yourself, your life, your family's life and health, and your possessions. That is exactly why protecting this fundamental constitutional right is so very important, precisely for this sort of time of emergency.

The distinguished Senator from New Jersey made some remarks and read a letter talking about leaving it up to the judgment and discretion of law enforcement personnel. Well, I have great respect in general for law enforcement personnel, but I don't think their judgment or their discretion trumps the Constitution, and that is what happened and that is the attitude many of them took, unfortunately, after Hurricane Katrina in Louisiana. They thought their judgment and their discretion trumped the Constitution. They confiscated legally held firearms from law-abiding citizens, in some cases literally older, defenseless women, older citizens trapped in their homes with a legally possessed firearm as their only means of defense. That should never happen again. The Constitution, the second amendment, should never be abused again, particularly in such a state of emergency.

Mr. President, in closing, I urge all of my colleagues to support this commonsense, straightforward amendment. It is supported by the Fraternal Order of Police, it is supported by the National Rifle Association, which intends to grade this vote, and I urge all Members to offer their support for this straightforward, commonsense amendment.

With that, I yield back my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENTS NOS. 4618, 4616, 4578, 4592, 4638, AS MODIFIED, 4642, AS MODIFIED, 4619, AS MODIFIED, 4635, AS MODIFIED, 4550, AS MODIFIED, 4624, AS MODIFIED, AND 4661, AS MODIFIED, EN BLOC

Mr. GREGG. Mr. President, I ask that prior to this vote, we do a little housekeeping. The following amendments have been cleared. I ask unanimous consent that they be deemed to be called up and read and approved en bloc after I have read them out. The first one would be No. 4618, Senator DAYTON; No. 4616, Senator DURBIN; No. 4578, Senator WARNER; No. 4592, Senator FEINGOLD; No. 4638, Senator BOXER, as modified; No. 4642, Senator PRYOR, as modified; No. 4619, Senator DURBIN, as modified; No. 4635, Senator CARPER, as modified; No. 4550, Senator SPECTER, as modified; No. 4624, Senator OBAMA, as modified; and No. 4661, Senator LAUTENBERG, as modified.

I ask unanimous consent that those amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 4618

(Purpose: To prohibit the use of appropriated funds to take an action that would violate Executive Order 13149 (relating to greening the government through Federal fleet and transportation efficiency))

On page 127, between lines 2 and 3, insert the following:

SEC. ____ None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

AMENDMENT NO. 4616

(Purpose: To provide funding for mass evacuation exercises)

On page 93, strike lines 7 and 8 and insert the following:

(4) \$331,500,000 for training, exercises, technical assistance, and other programs (including mass evacuation preparation and exercises):

AMENDMENT NO. 4578

(Purpose: To increase funding for the Office of National Capital Region Coordination, and for other purposes)

On page 90, line 15, strike "of which \$8,000,000" and insert "of which no less than \$2,741,000 may be used for the Office of National Capital Region Coordination, and of which \$8,000,000".

AMENDMENT NO. 4592

(Purpose: To require the Under Secretary of Transportation for Transportation Security to assist in the coordination of the voluntary provision of emergency services during commercial flights)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 4494(a) of title 49, United States Code.

(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:

(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).

(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).

(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:

(A) The Congress.

(B) The emergency response agency of each State.

(C) The relevant organizations representing individuals to participate in the program.

AMENDMENT NO. 4638, AS MODIFIED

(Purpose: To direct the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institutes of Standards and Technology to submit a report outlining Federal earthquake response plans for high risk earthquake regions in the United States)

At the appropriate place, insert the following:

SEC. ____ FEDERAL EARTHQUAKE RESPONSE PLANS.

Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institutes of Standards and Technology shall submit a report to the Senate Committee on Appropriations outlining Federal earthquake response plans for high risk earthquake regions in the United States as determined by the United States Geological Survey.

AMENDMENT NO. 4642, AS MODIFIED

On page 66, line 5, strike "\$166,456,000" and insert "\$163,456,000".

On page 91, line 6, strike "\$2,393,500,000" and insert "\$2,400,000,000".

On page 93, strike lines 7 and 8 and insert the following:

(4) \$338,000,000 for training, exercises, technical assistance, and other programs: *Provided*, That not less than \$18,000,000 is for technical assistance:

On page 120, increase the amount on line 9 by \$3,500,000.

AMENDMENT NO. 4619, AS MODIFIED

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing

individuals whose names have been mistakenly placed on a terrorist database list or who have names identical or similar to individuals on a terrorist database list. The Secretary shall advise Congress of the procedures established.

AMENDMENT NO. 4635, AS MODIFIED

On page 114, line 8, insert the following: "Until the Secure Flight program or a follow on or successor passenger screening program has been deployed or implemented, the Transportation Security Administration shall provide airlines with technical or other assistance to better align their reservation and ticketing systems with terrorist databases to assist in alleviating travel delays and other problems associated with mistaken identification."

AMENDMENT NO. 4550, AS MODIFIED

On page 92, line 2, strike the semicolon and insert the following: "Provided, That not later than September 30, 2007, the Secretary shall distribute any unallocated funds provided for in title III of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2075) under the heading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" to assist organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack: *Provided further*, That applicants shall provide for the Secretary's consideration prior threats or attacks (within or outside the U.S.) by a terrorist organization, network, or cell against an organization described in the previous proviso and the Secretary shall consider prior threats or attacks (within or outside the U.S.) against such organizations when determining risk: *Provided further*, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives the risk to each designated tax exempt grantee at least 3 full business days in advance of the announcement of any grant award;

AMENDMENT NO. 4624, AS MODIFIED

On page 99, line 4, insert after "Act" the following: "Provided further, That none of the funds appropriated or otherwise made available under this heading may be used to enter into contracts using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code, unless the contract is for the procurement of only such property and services as are necessary to address the immediate emergency and is only for so long as is necessary to put competitive procedures in place in connection with such procurement and the Secretary of Homeland Security notifies the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and Appropriations and Homeland Security of the House of Representatives of such contract not later than 7 days after the contract is entered into".

AMENDMENT NO. 4661, AS MODIFIED

At the appropriate place, insert the following:

SEC. ____ (a) NATIONAL CAPITAL REGION AIR DEFENSE MISSION OF THE COAST GUARD.—

Of the amount appropriated or otherwise made available by title II of this Act under the heading "UNITED STATES COAST GUARD",

“OPERATING EXPENSES”, \$13,934,000 may be available for the purpose of the National Capital Region Air Defense mission of the Coast Guard.

AMENDMENT NO. 4550

Ms. MIKULSKI. Mr. President, today I rise to support and cosponsor Senator SPECTER's amendment to make sure funding to nonprofit institutions that are at high risk of terrorist attack receive the funds we have given to them. I have worked with my colleague from Pennsylvania on legislation to help nonprofits that serve communities throughout the Nation but that are threatened daily by the risk of terrorist attack. We have also worked together to provide these vulnerable communities with needed funding for the past 2 years. Yet despite our efforts to protect these “soft targets” of terrorism, the Department of Homeland Security has refused to release any of last year's money to these nonprofits. This is unacceptable. Today, we are making it clear that the \$25 million provided for nonprofits must be spent to protect these institutions.

We are all aware of recent terrorist attacks in the United States, Spain, Germany, Iraq, Tunisia, Kenya, Morocco, and Turkey. These attacks by al-Qaida on an international Red Cross building, synagogues, train stations, hotels, airports, restaurants, night clubs, and cultural centers, show its willingness to attack “soft targets” of all types in order to conduct its campaign of terror.

I want to make sure that our communities are safe and the buildings where citizens live, learn and work are strong and secure to safeguard American lives in the event of a terrorist attack. Local communities are on the front lines in our war against terrorism. This Congress must do its share to make sure that they do not have to bear the full cost of this war. We have done this by providing funds for security enhancements in buildings that Americans visit everyday. Yet DHS has failed to give local communities the funds they need. DHS has not released any of the funds despite instruction from Congress to do so.

This amendment is very simple—it requires the Office for State and Local Government Coordination and Preparedness to release the \$25 million Congress provided to enhance the security and safety to these nonprofits. This funding will help nonprofits make the needed security improvements to protect these “soft targets” of terrorism. These nonprofits are worried now, they are under threat now, and they need our help now. This Congress has acted and now DHS must act now to make these nonprofits and the communities that they serve safer and stronger.

As a nation our priority in fighting the war on terror is to be safer, stronger, and smarter so that we are able to

better detect, prevent and respond to acts of terrorism. This amendment gets us one step closer to meeting those goals by making vulnerable targets smarter in detecting and preventing terrorist attacks and by making sure that if terror strikes one of these facilities, security and safety measures are in place to protect the lives of those inside and around these buildings.

Nothing the Senate does is more important than providing America security and Americans safety. I am pleased that this amendment has been accepted because it does exactly that. In the battle to protect our nation from terrorist attacks, we must be sure to provide assistance to these high-risk nonprofit organizations that provide vital health, social, cultural, and educational services to the American people.

AMENDMENT NO. 4616

Mr. DURBIN. Mr. President, I offer an amendment to improve the Nation's preparedness and response to natural disasters and terrorist attacks.

This amendment is based on legislation that I introduced last year, the Mass Evacuation Exercise Assistance Act of 2005, S. 2043, which would implement a recommendation in the Senate Homeland Security and Governmental Affairs Committee's report “Hurricane Katrina: A Nation Still Unprepared” that Federal agencies work with State and local officials to develop evacuation plans.

That bill would address a gaping hole in our Nation's disaster preparedness by providing grants for evacuation exercises and the implementation of emergency response plans. It would establish a grant program to ensure that cities across America have the resources they need to develop comprehensive evacuation plans; stage drills and exercises to practice and perfect evacuation procedures; and stockpile the materials needed to supply evacuation areas. In addition, the legislation would help cities prepare for future emergencies and evacuations to ensure that their citizens will be evacuated quickly and safely should a natural disaster or terrorist attack occur. Otherwise, like the victims of Hurricane Katrina, citizens can easily become trapped without food or water in a devastated area or along an escape route.

Based on that bill, S. 2043, my amendment today specifically includes evacuation exercises among the list of activities funded by homeland security grants. Evacuation planning and exercises are already permitted, but adding the words “evacuation preparation and exercises” to the bill would encourage state and local governments to request homeland security funds for that particular purpose. States and localities need to practice their evacuation plans in order to test and improve their sys-

tems before they must be executed in real emergencies.

The Department of Homeland Security recently reported to Congress that many states, territories, and urban areas lack confidence in the adequacy and feasibility of their plans to deal with catastrophic events. The Department's report also highlighted the importance of exercises in preparing first responders for disasters and revealing shortcomings in disaster plans. The Washington Post recently called for increased attention to evacuation exercises and disaster preparation in preventing a reoccurrence of the disaster that followed Hurricane Katrina. According to the Post, the insufficient Federal and local response to Hurricane Katrina was “a failure of execution, not prediction.”

Therefore, I encourage my colleagues to support this important amendment to strengthen our Nation's emergency and disaster preparedness and response.

AMENDMENT NO. 4619

Mr. DURBIN. Mr. President, I rise to offer an amendment to the fiscal year 2007 Homeland Security appropriations bill. This measure would direct the Secretary of Homeland Security to revise existing procedures and establish new methods for expeditiously clearing the names of individuals who have been mistakenly placed on a terrorist database list, including the Transportation Security Administration's, TSA, No-Fly and Selectee watch list, or who have names identical to or substantially similar to names on these database lists. The Secretary of Homeland Security would report the revised procedures to Congress no later than 6 months after enactment of this bill.

Since the terrorist attacks of September 11, 2001, the TSA and other Government agencies have maintained terrorist database lists containing the names of individuals suspected of posing a risk of terrorism or other threat to airline or passenger safety. The TSA watch list contains the names of individuals who have been placed into two categories. One is the group of individuals in the “No Fly” category. Any individual whose name appears in this category will not be permitted to board a commercial flight, as the Department of Homeland Security and other Federal agencies have deemed that person is a known terrorist or someone who has solid ties to terrorist activity. The second category is known as “Selectees,” and they may be on this list for a variety of reasons, such as attempting to pass a weapon through a security checkpoint or otherwise exhibiting behavior that presents suspicion that the person may engage in future terrorist acts, even though information about the individual is not sufficient to place them in the “No Fly” category.

Unfortunately, thousands of innocent passengers have been placed on the

TSA watch list mistakenly or, as is often the case, because they have the same name as others on the list. This prevents those passengers from using the internet or electronic kiosks located at the airport to check in when they fly. This causes these passengers to wait in long lines to be cleared by airline personnel at the check-in counter, sometimes even resulting in missed flights.

The TSA procedure for differentiating the innocent travelers from those who pose a threat is long and still results in the cleared passengers having to check in at the counter and present a clearance letter from the TSA. In other words, after going through the clearance and verification process, innocent passengers still cannot use the internet and kiosks that airlines rely on for passengers to obtain their boarding passes.

I truly hope that as a result of this amendment, the TSA will establish a better system to not only clear innocent passengers from any terrorist database lists, but also to work with the airlines to devise a safe and secure check-in procedure that differentiates between the criminals and the innocent.

I thank Senator CARPER for joining as an original cosponsor of my amendment, and I urge all of my colleagues to support it.

AMENDMENTS NOS. 4669, 4670, 4671, 4672, AND 4673

Mr. GREGG. Mr. President, I send five amendments to the desk, one on behalf of Senator BAUCUS, one on behalf of Senator KYL, one on behalf of Senator SCHUMER, one on behalf of Senator GRASSLEY, and one on behalf of Senator LEVIN, and I ask unanimous consent that those amendments be considered read and approved en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 4669

(Purpose: To express the sense of the Senate that Customs and Border Protection should continue to focus on reporting and analysis of trade flows to prevent the spread of methamphetamine)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 540. (a) The Congress makes the following findings:

(1) Domestic methamphetamine production in both small and large-scale laboratories is decreasing as a result of law enforcement pressure and public awareness campaigns.

(2) It is now estimated that 80 percent of methamphetamine consumed in the United States originates in Mexico and is smuggled into the United States.

(3) The movement of methamphetamine into the United States poses new law enforcement challenges at the border, in the financial system, and in communities affected by methamphetamine.

(4) Customs and Border Protection is working to stop the spread of methamphetamine by examining the movement of the drug and

its precursors at the borders and points of entry.

(5) Customs and Border Protection is a vital source of information for the Drug Enforcement Administration and other law enforcement agencies.

(b) It is the sense of the Senate that Customs and Border Protection should continue to focus on methamphetamine in its reporting and analysis of trade flows to prevent the spread of methamphetamine throughout the United States.

AMENDMENT NO. 4670

(Purpose: To increase the total number of Department of Homeland Security additional detention bed spaces by 1,700 beds in fiscal year 2007)

On page 76, line 15, before the period insert “: Provided further, That an additional \$58,000,000 shall be available under this heading and authorized for 1,700 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds and the amount made available under the heading ‘DISASTER RELIEF’ in this Act is reduced by \$58,000,000”.

AMENDMENT NO. 4671

(Purpose: To require the Secretary to submit a report to Congress addressing its compliance with the recommendations from the July 6, 2006 Inspector General Report “Progress in Developing the National Asset Database”)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON COMPLIANCE WITH INSPECTOR GENERAL RECOMMENDATIONS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations a report addressing the compliance by the Department of Homeland Security with the recommendations set forth in the July 6, 2006, Inspector General of Homeland Security report entitled “Progress in Developing the National Asset Database”. The report shall include the status of the prioritization of assets by the Department of Homeland Security into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary of Homeland Security in the issuance of grant funds.

AMENDMENT NO. 4672

(Purpose: To require the Inspector General of the Department of Homeland Security to review each Secure Border Initiative contract valued at more than \$20,000,000 and to report the findings of such reviews to the Secretary of Homeland Security and to Congress)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than \$20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable,

submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

- (1) cost overruns;
- (2) significant delays in contract execution;
- (3) lack of rigorous departmental contract management;
- (4) insufficient departmental financial oversight;
- (5) contract bundling that limits the ability of small businesses to compete; or
- (6) other high risk business practices.

(d)(1) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the congressional committees listed in paragraph (3) that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(2) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the congressional committees listed in paragraph (3).

(3) The congressional committees listed in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Committee on Homeland Security of the House of Representatives.

AMENDMENT NO. 4673

(Purpose: To provide that, of the amount appropriated by title VI for Customs and Border Protection for air and marine interdiction, operations, maintenance, and procurement, such funds as are necessary may be available for the final Northern border air wing site in Michigan)

At the appropriate place, insert the following:

SEC. _____. Of the amount appropriated by title VI for Customs and Border Protection for Air and Marine Interdiction, Operations, Maintenance, and Procurement, such funds as are necessary may be available for the establishment of the final Northern border air wing site in Michigan.

AMENDMENT NO. 4615

Mr. GREGG. I believe we are now ready to go to a vote on the amendment of Senator VITTER.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—84

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Baucus	Dorgan	Murray
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sessions
Cantwell	Inhofe	Shelby
Carper	Isakson	Smith
Chafee	Jeffords	Snowe
Chambliss	Johnson	Specter
Coburn	Kerry	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Leahy	Thomas
Cornyn	Lieberman	Thune
Craig	Lincoln	Vitter
Crapo	Lott	Voivovich
Dayton	Lugar	Warner
DeMint	Martinez	Wyden

NAYS—16

Akaka	Harkin	Mikulski
Boxer	Inouye	Reed
Clinton	Kennedy	Sarbanes
Dodd	Lautenberg	Schumer
Durbin	Levin	
Feinstein	Menendez	

The amendment (No. 4615), as modified, was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4608 AND 4574

Mr. GREGG. I send to the desk two amendments that have been agreed to that may have already been filed: Biden No. 4608 and Senator COLEMAN No. 4574. I ask unanimous consent they be considered as reported and read and they be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4608 and 4574) were agreed to, as follows

(Purpose: To require passenger and baggage screeners at New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport)

On page 78, line 20, strike the colon and insert the following: “: *Provided further, That the Transportation Security Administration shall provide passenger and baggage screeners and related resources at the New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport.*”

AMENDMENT NO. 4574, AS MODIFIED

At the appropriate place, insert the following:

SEC. __. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the “Secretary”) shall designate 3 foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive

imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

(b) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the terminal;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and/or Customs and Border Protection personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(c) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

(c) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

Mr. GREGG. Mr. President, I turn to the Senator from California who has an amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 4674

Mrs. BOXER. Mr. President, I will take less than a minute to thank both sides.

Can the Senator help me? This is my able assistant.

Mr. LEAHY. If the Senator will yield, I must say what a thrill it is to work on the staff of Senator BOXER and to be able to help her.

I wonder, Senator, if it is OK to go to work for Senator JEFFORDS?

Mrs. BOXER. I have never had such a fantastic, underpaid, assistant in my life.

I will take a minute to explain why I am very delighted that Senators GREGG and MURRAY have signed off on this amendment we are about to adopt.

Senator SCHUMER has worked very hard on this issue. Here is what we say. We say the inspector general did an investigation and found out that on the out-of-place assets list—these are assets that the Department of Homeland Security will protect—were places such as the Nestle Purina Pet Food plant, the Sweetwater Flea Market, petting zoo, the beach at the end of a street, the Pepper and Herb Company, Auto Shop, groundhog zoo, high stakes bingo, mule day parade.

We wish we could protect every activity in America, but I think when you are looking at a budget that is limited, we should go after the targets that al-Qaida has told us—the bridges, the highways, the infrastructure, the chemical plants, the nuclear plants. We do not have to spend taxpayer money protecting the bourbon festival, as an example.

The point is, we are going to ask the Department to either accept the recommendations of the inspector general or tell us why not. That is the essence of the amendment.

I thank my colleagues. I don't know if I need to ask for the yeas and nays.

Mr. GREGG. I hope the Senator wouldn't.

I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from California [Mrs. BOXER] proposes an amendment numbered 4674.

Mrs. BOXER. I ask unanimous consent the reading of the amendment be dispensed with.

The amendment is as follows

(Purpose: To prohibit the use of certain funds for travel by officers or employees of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled “Progress in Developing the National Asset Database”, dated June 2006)

On page 90, line 24, before the period, insert the following: “: *Provided further, That none of the funds made available in this title under the heading “Management and Administration” may be used for travel by an officer or employee of the Department of Homeland Security until the Under Secretary for Preparedness has implemented the recommendations in the report by the Inspector General of the Department of Homeland Security titled “Progress in Developing the National Asset Database”, dated June 2006; or until the Under Secretary for Preparedness submits a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives explaining why such recommendations have not been fully implemented.*”

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4674) was agreed to.

AMENDMENT NO. 4574, AS MODIFIED

Mr. GREGG. I further ask unanimous consent the amendment numbered 4574 by Senator COLEMAN should have been modified. Therefore, I ask unanimous consent it be deemed modified as sent to the desk and that it be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I now ask unanimous consent the only remaining amendments to be considered prior to final passage will be the amendments of Senator CLINTON, Senator CHAMBLISS, and Senator DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4598, AS MODIFIED

Mr. GREGG. Mr. President, I ask that Senator DOMENICI'S amendment numbered 4598, as modified, be considered pending and it be agreed to by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4598), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. ____ . EXPANSION OF THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)).

(2) EMERGENCY AND MAJOR DISASTER.—The terms "emergency" and "major disaster" have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—The term "National Infrastructure Simulation and Analysis Center" means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

(4) PROTECT.—The term "protect" means to reduce the vulnerability of critical infrastructure in order to deter, mitigate, or neutralize an emergency, natural disaster, terrorist attack, or other catastrophic event.

(b) AUTHORITY.—

(1) IN GENERAL.—The National Infrastructure Simulation and Analysis Center shall serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to—

(A) counterterrorism, threat assessment, and risk mitigation; and

(B) an emergency, natural disaster, terrorist attack, or other catastrophic event.

(2) INFRASTRUCTURE MODELING.—

(A) PARTICULAR SUPPORT.—The support provided under paragraph (1) shall include modeling, simulation, and analysis of the systems comprising critical infrastructure, in order to enhance critical infrastructure preparedness, protection, response, and recovery activities.

(B) RELATIONSHIP WITH OTHER AGENCIES.—Each Federal agency and department with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive, shall establish a formal relationship, including an agreement regarding information sharing, between the elements of such agency or department and the National Infrastructure Simulation and Analysis Center.

(C) PURPOSE.—

(i) IN GENERAL.—The purpose of the relationship under subparagraph (B) shall be to permit each Federal agency and department described in subparagraph (B) to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center consistent with its workload capacity and priorities (particularly vulnerability and consequence analysis) for real-time response to reported and projected emergencies, natural disasters, terrorist attacks, or other catastrophic events.

(ii) RECIPIENT OF CERTAIN SUPPORT.—Modeling, simulation, and analysis provided under this subsection shall be provided to relevant Federal agencies and departments, including Federal agencies and departments with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4649, AS MODIFIED

Mr. GREGG. Mr. President, I address the Chambliss amendment numbered 4649 and I ask unanimous consent it be called up, considered read, and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4649), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Notwithstanding any other provisions of law, the Secretary of Homeland Security shall consult with National Council on Radiation Protection and Measurements (in this section referred to as the "NCRP") and other qualified organization and government organizations in preparing guidance and recommendations for emergency responders, to assist recovery operations, and to protect the general public with respect to radiological terrorism, threats, and events.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, a lot of work has been accomplished in the last 3 days. I particularly thank Senator GREGG, chairman of the committee, who has done a good job of balancing a very difficult budget in a very difficult year but has been great to work with. The numerous amendments came from both sides of the aisle, and I thank all of his staff for their work.

I thank the ranking member on our committee, Senator BYRD, for his work on this committee and all of the effort he has put into making sure we have a balanced bill that has come before the Senate to appropriate funds for Homeland Security.

I especially thank the staff that has been out here on our side working for the last numerous days, night and day, to get us to the point where we will shortly vote on this bill: Chuck Kieffer, Chip Walgren, Scott Nance, Drenan Dudley, Adam Morrison, and all of our staff who have been out here.

I end by thanking Senator GREGG for his tremendous work on this bill in a very difficult year.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I join the Senator from Washington.

I especially thank the Senator from Washington who has been drawn in here to help out. She has done a fabulous job. We would not have gotten to this point as promptly as we have without her assistance and leadership. It has been a joy to work with her. Her professionalism is extraordinary.

I also, of course, thank Senator BYRD, the ranking member. He is a tremendous force. He has been for decades. His influence on this bill is very significant. He has been a very constructive individual to work with as my ranking member, although he is well my senior in both experience, knowledge, and ability.

I especially thank my staff: Rebecca Davies, Carol Cribbs, Shannon O'Keefe, Mark Vandewater, Nancy Perkins, and Christa Crawford. They have done a great job. They have been working long hours, as have other members of our staff, including interns who have been brought in and Budget staff who have been thrown in the breach. But the Appropriations staff is a small, rather effective cadre, and we admire what they do.

On the minority side Chuck Kieffer and his team do a superb job, and we greatly admire their efforts. And, of course, we very much appreciate the assistance of the staff of the full committee, and especially the assistance of Senator COCHRAN and Keith Kennedy, Bob Putnam, Jack Conway, and Richard Larson. These are folks who come

in and help us out a great deal. So we thank them immensely. We could not have gotten to this point without them.

They work immense hours. We can never really adequately express our appreciation to them, but we do greatly appreciate all they have done.

AMENDMENT NO. 4582, AS MODIFIED

Mr. President, at this time I ask unanimous consent that we call up and proceed to the consideration of amendment No. 4582 on behalf of Senator CLINTON, that it be modified with the modification I send to the desk, and that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4582), as modified, was agreed to, as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Comptroller General shall provide a report to the Senate and House Committees on Appropriations no later than thirty days after enactment describing the impact on public safety and the effectiveness of screening operations resulting from the modification of the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, as of December 1, 2005, to be carried aboard a passenger aircraft.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, Senator BYRD, the ranking member on our side, does have further remarks. I thank him and all of his staff.

Mr. BYRD. Mr. President, I rise today in support of the fiscal year 2007 Homeland Security Appropriations Bill. I commend Chairman GREGG for his leadership on this important legislation. I thank Senator MURRAY for her contributions to the bill this week. I also thank Chairman GREGG's staff and my staff for their excellent work on this legislation.

The bill that is before the Senate contains numerous improvements to the President's request, both in terms of funding and in giving clear direction to the Department on how to improve its operations. Regrettably the President sent a budget to the Congress for Homeland Security programs that is hollow.

This bill provides critical improvements to that request and does so in a fiscally responsible manner. Additional funding is provided for border security, port security, grants to equip, train, and hire firefighters, for the Coast Guard Deepwater program to replace its aging fleet of ships, planes and helicopters, as well as additional funding for emergency managers. In addition, we provide clear direction to the Secretary for securing our Nation's chemical facilities.

While many of the Department's legacy agencies, such as the Coast Guard,

Customs and Border Protection, and the Secret Service, continue to operate effectively, the Department itself has become an ineffective, behemoth. Rather than make America safer, the Department has become a cumbersome agency, burdened by malaise.

FEMA, the Federal Emergency Management Agency, has been broken into ineffective pieces, separating the responsibilities for preparedness and response. We all learned after Hurricane Katrina that FEMA is no longer up to the task of responding to a catastrophic disaster, whether the disaster is a terrorist attack or a natural disaster.

The Department has become a haven for contractors. DHS spends millions of dollars on contractors who produce lots of paper and data dumps, that sit in file cabinets and computer files. But the Department fails to use that information to make careful choices about how to secure the Nation.

In addition to failing to address known vulnerabilities, the Department of Homeland Security is turning into a case study for failed management. The GAO and the DHS Inspector General have documented numerous financial management and procurement failures at the Department. DHS information systems are not secure. GAO alone has completed 494 evaluations of DHS programs. The DHS Office of the Inspector General is spread so thin that it was unable to follow through on 616 different allegations of wrongdoing last year.

The Department continues to allow valuable homeland security dollars to gather dust in the Treasury. Last week was the 1-year anniversary of the London train bombing; yet, under the Department's plan, rail and transit security funding that was appropriated by Congress last October will not be awarded until this September. And the same malaise applies to grants to secure our ports, our buses, for securing buffer zones around nuclear and electrical plants, and grants to hire more firefighters.

The Department, working with its contractors, put together a list of 77,000 critical infrastructure sites around the country. It is an undifferentiated list including nuclear power plants and electrical grids, an Old McDonald's Petting Zoo, a fleamarket, and an ice cream parlor. How ridiculous. Without careful choices, how does that investment make us safer?

The Congress gave the Department authority to allocate first responder funds based on risk, and what did they do? They cut grants to New York by 37 percent and the Washington, DC, area by 43 percent.

Nearly 5 years after 9/11, key issues, such as fixing FEMA, establishing chemical security standards, inspecting cargo on commercial aircraft, inspecting air passengers for explosives,

securing our ports, and making sure that State and local governments have effective mass evacuation plans, are all languishing at the Department. The list of issues that are festering at the Department goes on and on.

To the Department of Homeland Security I have two words: Wake up.

To the administration, I simply say, if you are not going to lead on making our homeland safer, than follow the lead of Chairman GREGG and the United States Senate.

Chairman GREGG has done a masterful job on this bill.

I urge adoption of the bill.

Mr. JEFFORDS. Mr. President, yesterday, the Senate passed Senator BYRD's amendment, which would require the Secretary of Homeland Security to set interim security regulations that establish homeland security requirements for chemical facilities. Today, I rise to support this amendment in conference.

This amendment takes a necessary first step in ensuring that all chemical facilities presenting the greatest security risk are secure against potential threats. This first step will require these facilities to submit facility security plans to the Department of Homeland Security.

In the U.S., 14,000 chemical plants, manufacturers and water utilities and other facilities store and use extremely hazardous substances that if suddenly released can injure or kill employees or residents in nearby communities. Of these facilities, nearly 450 individually pose a risk of harm to more than 100,000 people.

When I chaired the Senate Environment and Public Works Committee during the 107th Congress, the committee unanimously passed chemical security legislation that was offered by Senator Corzine. Industry concerns have stalled efforts to adopt strong bipartisan legislation ever since. In the 108th Congress, this committee passed weaker chemical security legislation that lacked adequate accountability to ensure compliance with essential protective requirements. We filed minority views articulating our concerns.

In 2003 and in 2005, I introduced legislation to improve the security and safety of our Nation's wastewater treatment works. Again, this legislation takes into account our growing awareness of security needs that has developed in the nearly 5 years that have passed since the terrorist attacks of September 11, 2001. My wastewater security legislation requires all wastewater facilities to complete vulnerability assessments, emergency response plans, and site security plans and to submit them to the EPA.

Senator BYRD's amendment is consistent with my legislation, in that wastewater facilities would not be exempt from completing security plans and submitting them to the Federal Government.

On May 23, 2006, the Senate Environment and Public Works Committee considered wastewater security legislation. I offered an amendment at that markup which would require wastewater facilities to complete and submit to the EPA the full range of security plans that I believe are essential to the protection of wastewater facilities. The amendment would also require facilities to switch to safer treatment chemicals and technologies if grant funding is available. My amendment was not successful and the bill reported out of committee did not require wastewater facilities to complete vulnerability assessments and submit them to the EPA.

Senator Byrd's amendment takes the first step in hardening our Nation's entire chemical infrastructure against security threats.

I urge my colleagues to support this amendment in conference.

Ms. MIKULSKI. Mr. President, I rise today to address yet another problem with the Department of Homeland Security. It has been 3 years since its creation, and the Department continues to have difficulties integrating a financial management system. The Department began with 18 different financial systems. The Department's most recent effort to create a new, consolidated financial management system, known as *Emerge2*, has been canceled after the Department spent \$23 million without making progress.

History has shown that integrating Federal computer systems and migrating data can be a complicated and costly undertaking. As the Department of Homeland Security moves forward in its efforts on financial management integration, it should do so carefully and deliberately. It is my hope that the Department considers a range of possible solutions. This includes soliciting ideas from commercial providers with prior Department of Homeland Security experience and contemplating a pilot program with one of these providers to work through the complicated technical and operational problems.

Mr. President, I also wish to address one of the most important issues the Congress faces today—protecting our homeland from terrorist threats. One threat we have only just begun to address is a possible attack on our food production, supply and distribution systems. Bioweapons could threaten both our crops and livestock, which would have profound impacts on the health of our society and our ability to export such products.

The Senate must support funding for biodefense research, to prevent and prepare for such an attack. I am proud that the fiscal year 2007 Homeland Security appropriations bill provides additional funding to complete planning and design of the National Bio and Agro-Defense Facility, an initiative to replace outdated labs transferred to

the Department of Homeland Security from the Department of Agriculture when DHS was created in 2002.

Earlier this year, the Department of Homeland Security solicited expressions of interests from around the country from consortiums qualified to operate this facility. DHS received twenty-nine proposals and will choose a set of finalists later this year. The chosen teams and sites will go through a competitive process and National Environmental Policy Act review to identify a final team and site. NBAF will be on the front-line of research and development of new ways to protect our Nation's food supply, so the final choice of a team to operate NBAF must be made on the basis of scientific and technical merit.

The Mid-Atlantic Bio-Ag Defense Consortium is among the 29 applicants to run NBAF. It consists of a group of researchers from leading universities and selected federal and state agencies in Maryland, Virginia, Pennsylvania, West Virginia and Delaware. I believe that this five-state consortium, led by the University of Maryland's School of Medicine, offers unparalleled scientific expertise and critical understanding in large institutional management, and will present a strong proposal for the Department's consideration.

The combined expertise of the Mid-Atlantic Consortium has a proven track record in research and development of countermeasures to many agents and toxins designated as threats by the Centers for Disease Control and Prevention, the U.S. Department of Health and Human Services, and the U.S. Department of Agriculture. This team has considerable "hands on" experience in handling the most sensitive kinds of material while adhering to the protocols essential for high quality and safely-managed scientific research. I believe this team is uniquely qualified define problems so as to develop, test and implement solutions to ensure that we can protect our crops and livestock from biological threats.

To augment its exclusive research capability, the consortium has identified the Beltsville Agricultural Research Center, BARC, to serve as the NBAF site. BARC offers the Department an integrated, secure and results-oriented approach to tackling plant and animal diseases of high consequence that could enter the U.S. through ordinary commerce or an act of terrorism. Its existing infrastructure and location would contribute to successfully protecting a highly sensitive facility like NBAF.

I believe that the Mid-Atlantic Bio-Ag Defense Consortium offers a superior group of scientific talent, with world class leadership expert in running large, complex organizations. It also offers a solutions-based approach to tackle the scientific and public health challenges to be undertaken at the NBAF. For these reasons, it is my

hope that the Department will give strong consideration to this Consortium for the NBAF in the coming months.

In the end, the Department's selection of a team and a site must be based upon carefully reviewed and documented merit-based analysis, with the support of the community in which it will be located. As we move forward on this initiative, it is my hope that Secretary Chertoff will base the selection on merit, to ensure the integrity of NBAF and the important work that will be conducted there in the years ahead.

Mr. SALAZAR. Mr. President, when I was elected to the Senate, I promised the people of Colorado that protecting the homeland and supporting law enforcement would be among my highest priorities. In the year and a half since taking the oath of office, I have worked hard to fulfill that pledge by working with my colleagues to help pass the Combat Meth Act, working to find bipartisan compromise on the PATRIOT Act, working to pass a comprehensive immigration reform bill that increases border security, and most important, paying close attention to the concerns of Colorado's law enforcement and homeland security communities.

But great challenges remain, challenges that should not be deferred for the next Congress to deal with, challenges that should not be turned into partisan weapons, challenges that will require reaching across the aisle to solve.

I would like to take a few moments to discuss just a few of these challenges. First, however, I want to briefly discuss the Department of Homeland Security appropriations bill, which we passed today.

Thank Senators GREGG and BYRD, who did an excellent job shepherding this bill through the committee process and on the floor. While there are some provisions in the bill with which I disagree—for example, I would like to see more funding for first responders, port, and rail security—the bill is a product of serious and careful deliberation.

I would also like to draw attention to an issue of great importance: the training of our law enforcement and homeland security officials. I was pleased to see the DHS appropriations bill increase funding for the Federal Law Enforcement Training Center. I am also pleased that the bill classifies Federal Law Enforcement Training Center staff as serving an "inherently governmental" function, which guarantees that law enforcement training cannot be outsourced. Law enforcement training has been an issue of concern to me dating back to my time as attorney general, when we guaranteed an adequate stream of funding for the training of law enforcement officers through the Colorado Peace Officer Standards

and Training Board. I look forward to working doing more work on this issue in the future.

I also thank my colleagues for agreeing to the two amendments I offered to the appropriations bill.

The first requires DHS to provide a detailed report on how it will improve the inspection of incoming agricultural products in order to protect U.S. agriculture from foreign pests and disease.

Agriculture is the largest industry and employer in the United States, generating more than \$1 trillion in economic activity each year. However, the agricultural sector is both a great strength and a potential vulnerability: the entry of foreign pests and disease could wreak havoc on the economy, the environment, and public health. In order to safeguard American agriculture, we need—first and foremost—effective inspection at our points of entry. There have been some serious questions about the effectiveness of the inspection program at DHS, and my amendment will make sure that DHS has a sensible strategy in place to improve that program.

My second amendment requires DHS to produce a detailed blueprint regarding how it will help Federal, State, and local officials achieve communications interoperability.

More than 5 years after September 11, first responders are still struggling to achieve communications interoperability. Fixing this problem will require money, leadership, and sound planning by Federal, State, and local officials.

In my own State of Colorado, first responders and emergency managers are working hard to solve this problem—and they are making progress. But they deserve to know exactly what DHS plans to do, in the short, intermediate, and long terms to help them get to where they need to be.

So I thank my colleagues for agreeing to my amendments, for increasing funding for training, and for putting together a thoughtful—if imperfect—appropriations bill.

I would like to spend just a few minutes discussing some important homeland security and law enforcement priorities which I hope the Senate will take up as soon as possible.

Each of these issues share two important characteristics: they are vital to the security of our Nation, and they have broad bipartisan support.

First and foremost is providing adequate funding for law enforcement.

When I talk to law enforcement officials in Colorado, no issue comes up more often and I can understand why. When I was attorney general, I saw firsthand the importance of Federal assistance for law enforcement: Federal funds allow law enforcement agencies to hire more police officers and firefighters, to purchase equipment, to conduct training exercises, and to fight

the meth epidemic. This is not a partisan or ideological issue: it is about protecting our communities and the first responders who serve them.

To be honest, I have long been confused by this White House's annual effort to cut these vital programs. Of all the line items in the budget, of all the places to cut unnecessary Federal spending, the President keeps trying to cut key programs for first responders. For example, this year, the President's budget request proposed deep cuts to the COPS Program, which helps State and local law enforcement agencies hire police officers; the Edward Byrne Justice Assistance Grant Program, which makes grants to help States improve their criminal justice systems; firefighter assistance grants, which provide direct assistance to local fire departments; and the Office of Violence Against Women.

These proposed cuts are particularly appalling at a time when the crime rate seems to be rising. Indeed, preliminary figures indicate that the national violent crime rate rose 2.5 percent in 2005 as compared to 2004.

Fortunately, there is bipartisan support to restore many of these cuts. Indeed, this week the Commerce, Justice, Science Appropriations Subcommittee restored funding for many of the programs that the President proposed to cut or eliminate, including COPS and the Byrne JAG Program. For that, I applaud the subcommittee—and I hope the full Senate follows suit. The heroes who keep us safe every day deserve the best equipment, the best training, and the best support available—and they deserve Senators who will fight for them.

Next, I want to discuss the need to pass a comprehensive immigration reform package that includes strong border security measures.

We are now embroiled in a historic debate about immigration and border security. The reality is that our borders are broken and lawless—and that millions have crossed the border without the Government knowing who they are or why they are here. Indeed, the GAO released a report in March that detailed how two Federal investigators were able to smuggle enough nuclear material to make two dirty bombs across our northern and southern borders. The report stated that GAO investigators "transported radioactive sources across both borders . . . with ease."

This is why the comprehensive immigration reform backed by a bipartisan majority of Senators includes thousands of new positions aimed at fixing the border. For example, the bill would add 12,000 new Border Patrol agents, 10,000 new ICE worksite inspectors, 2,500 new port-of-entry inspectors, 1,000 new document fraud inspectors, and hundreds of other related positions.

I am hopeful that we can address this issue in the context of a comprehensive

reform of our immigration laws—and that we can bring law and order to our porous borders.

Next, I wish to address identity theft—another issue that calls for a bipartisan approach.

Each year, roughly 5 percent of the population is victimized by identity theft. That means that in 10 years, roughly half of the population will have been affected. But not only does identity theft affect the victims—many of whom see their credit ratings ruined and their financial situations turned upside down—it is also fueling and financing a good part of the meth epidemic that is ravaging so many communities. Indeed, meth addicts have become the driving force behind identity theft in Colorado—as they seek new ways to fund the production and consumption of the drug. So tackling identity theft is also a way of tackling the meth epidemic.

I believe that a comprehensive approach to attacking identity theft will require working with the financial industry, law enforcement, retailers, and consumer groups. I applaud the Judiciary and Commerce Committees, both of which have bipartisan bills addressing this issue. There are elements of both bills that would go a good ways toward addressing identity theft, and I hope that the Senate takes action on this issue soon.

I also wish to briefly discuss prisoner reentry—another vital law enforcement issue that cries out for a bipartisan solution.

Approximately 650,000 State and Federal prisoners reenter society each year, and a staggering two-thirds of them are returned to prison for a new crime or parole violation within 3 years of release. Prisoners returning to society face difficulties with housing, employment, mental health, and substance abuse—all of which impose a great toll on families, communities, State and local governments, and overcrowded prison systems. The problem is truly multidimensional and calls out for a bipartisan approach.

For that reason, I am happy to cosponsor the Second Chance Act, a bipartisan bill which provides badly needed resources for prisoner reentry programs. I hope the Senate takes action on this bill soon.

Finally, I would like to briefly discuss port and chemical security.

I am proud to be a cosponsor of the bipartisan GreenLane Maritime Cargo Act and the Chemical Facility Anti-Terrorism Act. I cannot stress how important these bipartisan pieces of legislation are to protecting our homeland security.

Indeed, each year roughly 9 million shipping containers enter the United States via our seaports. Those containers carry approximately 2.4 billion tons of goods worth more than \$1 trillion—and those numbers are expected

to double in the next 20 years. Furthermore, the average container originating overseas will pass through over a dozen intermediate points before arriving in the United States—providing multiple points of vulnerability for both our security and our economy. The GreenLane Maritime Cargo Act would take some important steps to secure our ports—including requiring 100 percent screening of incoming containers within a year—and is a fine example of bipartisan problem-solving.

Regarding chemical security, we face a situation today where there are no Federal laws establishing minimum security standards at chemical facilities—this despite the fact that the roughly 15,000 chemical plants and refineries in this country pose a great vulnerability and despite the fact that dangerous chemicals routinely travel along our highways, inland waterways, and on railcars that pass through the heart of major cities. The cost of an attack would be staggering in terms of both loss of life and economic impact. Even DHS agrees that chemical security legislation is necessary. So I am very pleased to be a cosponsor of the bipartisan Chemical Facility Anti-Terrorism Act.

Neither port security nor chemical security is a partisan issue. Just look at these two bills: they both have strong bipartisan support. So I say to the Senate: let us take up these important bills soon.

Mr. President, each of the issues I have discussed this morning has bipartisan support. Each is important to the security and safety of the American people.

Our most important obligation as Senators is to protect the security and safety of our constituents—and each of the issues I have discussed this morning would take an important step in that direction. I hope the Senate can debate and act on these issues soon.

Mr. KERRY. Mr. President, I support the fiscal year 2007 Department of Homeland Security Appropriations bill before us today. Our Nation faces a serious terrorist threat and we need to adequately fund our security agencies. I am concerned, however, that the bill falls short in some areas of what is needed to effectively protect the homeland.

For instance, the bill makes significant cuts to State grant programs from FY 2006 levels and does not ensure that funds are distributed using risk as the guiding principle. Although DHS Secretary Chertoff has assured us that the Department would follow the recommendation of the 9/11 Commission and distribute funds based purely on risk, when funding for the Urban Area Security Initiative was released in May the cities most at risk—New York, Washington, and Boston among them—received the deepest cuts. I supported amendments during consideration of

this bill that sought to rectify this problem and I hope that the bill can be improved in conference to ensure that funding is distributed where it is needed.

I am also concerned that the bill calls for shutting down a large portion of the LORAN navigation system infrastructure, limiting it to Alaska and the northwest and northeast coasts. Although I realize that this is the result of a compromise, I strongly support maintaining the LORAN system nationwide and intend to work with Senator STEVENS, Senator MURRAY and others in conference to prevent the premature shutdown of this important asset.

Mr. President, we must take steps to secure the border, though I opposed Senator SESSIONS' amendment to appropriate additional funds to construct fencing along the southwest border because it would have raided discretionary funds used to hire more border patrol agents, buy more detention beds, train first responders, and fund other pressing needs. Although I support some limited fence construction, I do not believe we should be undermining critical homeland security programs to finance them. I remain committed to passing balanced immigration legislation that protects the border and allows immigrants to earn citizenship, and I hope that the Congress can reach an agreement to accomplish that in the upcoming weeks.

Finally, I am pleased my amendment to repeal the Transportation Security Administration's exemption from Federal contracting laws was accepted. TSA has a record of mismanaging contracts and wasting billions in taxpayer dollars and it should not continue to be exempt from the same level of accountability that we require of every other Federal agency. I thank the managers for working with me to pass this amendment, and I hope that it is included in the final conference report.

I hope that some of these important issues can be worked out in conference and that we can send the best bill possible to the President.

Mr. OBAMA. Mr. President, I want to thank the managers of the fiscal year 2007 Homeland Security appropriations bill, the distinguished Senator from New Hampshire, Mr. GREGG, and my friend from West Virginia, Senator BYRD, for accepting two amendments that will help remedy some of the Government's failures in disaster response.

The first amendment, cosponsored by my colleague from Connecticut, Senator LIEBERMAN, will require the Department of Homeland Security, DHS, to develop a robust system to help people locate family members after a disaster. Immediately after Hurricane Katrina, people searched the Astrodome and combed the Internet, hoping to locate their loved ones. Unfortunately, many of these people continue their search today.

My amendment requires DHS, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, to review the methods used by the Louisiana Family Assistance Call Center and the National Center for Missing and Exploited Children to assist in the location of friends and family displaced by Hurricane Katrina. DHS must then report on these models and provide Congress with a detailed plan for the swift implementation of a family locator program for future disasters that reflects the lessons learned from these two models. The Department's plan should lead to the creation of an efficient means of helping those displaced by future disasters locate their friends and family.

My second amendment is a common-sense attempt to stop the abuse of no-bid contracting in the aftermath of a disaster. After Hurricane Katrina, the Federal Emergency Management Agency relied upon the "unusual and compelling urgency" exception to allow no-bid contracts for everything from collecting debris to hauling and installing housing trailers. Unfortunately, some of these no-bid contracts were not merely emergency stop-gap measures—they were open-ended agreements and resulted in significant waste and abuse.

My amendment, cosponsored by my colleague from Oklahoma, Senator COBURN, prohibits the use of no-bid contracts under the "compelling urgency" exception, unless these contracts are limited in time, scope and value, and notification is provided to the congressional oversight committees. This amendment will end the abuse of noncompetitive contracts by setting real and reasonable limits to the emergency exception. This amendment does nothing to inhibit a rapid response to emergencies; rather it closes a loophole that threatens the integrity of our Federal response, and it will save taxpayer money. I thank the Senators for accepting this amendment into the bill.

I am pleased that these amendments have been accepted into the bill, and I look forward to working with my colleagues to ensure that the failures of the Government's response to Hurricane Katrina are not repeated.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security Appropriations bill today because its funding is vital to our first responders and all of those responsible for protecting us. Further, it includes important provisions that I worked to have included.

I am very pleased that the Senate passed both my amendment and Senator STABENOW's amendment on Canadian trash imports. My amendment would require the Secretary of Homeland Security to deny entry to the United States of any commercial trash truck until the Secretary certifies that

the methodologies and technologies used to screen the trash for the presence of chemical, nuclear, biological and radiological weapons are as effective as those used to screen for such materials in other items of commerce entering the U.S. The Department would first be given 90 days to assess the situation, and then another 180 days to implement changes to address the security concerns. If however, such changes are not identified, which I expect will be the case, municipal solid waste will not be allowed to come into the State of Michigan or elsewhere in our country.

With thousands of trash trucks coming into Michigan from Canada each week, this provision is critical for addressing the risks this garbage poses to our country's security, public health, and the environment. Senator STABENOW's trash amendment also addresses the security risks from trash by requiring the Secretary of Homeland Security to levy a fee on the trash shipments, in an amount that would cover the cost of such inspections. It would therefore make it more expensive for Ontario to send their trash to Michigan, protecting U.S. landfills from being filled with Canadian trash.

With the help of my friends from West Virginia and New Hampshire, Senators BYRD and GREGG, the Senate accepted my amendment related to the establishment of the fifth and final Northern Border Air Wing in Detroit, MI. The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security in 2004 to provide air and marine interdiction and enforcement capabilities along the Northern Border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, not all of the sites have yet been established, leaving large portions of our northern border unpatrolled from the air and, in the case of my home State, the water. In the conference report accompanying the fiscal year 2006 DHS Appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe approximately \$12 million of the funds included in Senator BYRD's amendment for Air and Marine Interdiction, Operations, Maintenance, and Procurement which was adopted should be used by Customs and border protection to complete the remaining activities necessary to prepare, equip, and establish the Michigan NBAW site as Secretary Chertoff previously indicated he intends to do during fiscal year 2007.

In an April 11, 2006 letter to me, Secretary Chertoff indicated that it was his department's plan to open the Michigan site during the 2007 fiscal year and the Byrd amendment will enable the department to stick to its schedule. Mr. President Secretary Chertoff's letter and enclosures, my letter to the Secretary, and a colloquy are printed in the RECORD at page S7405.

Senator BAUCUS was also successful in his mission to press forward efforts to ensure that the northern Border is provided with proportionate resources as the southern border. His unmanned aerial vehicle pilot project will enable the Customs and Border Patrol to perform a pilot project on the northern border between Canada and the United States. As the Senate knows, the northern border is nearly four times the length of the Southern border and it deserves an appropriate attention from the Department of Homeland Security.

I am also pleased that this bill includes a provision offered by Senator BYRD that would give the Department of Homeland Security the authority to issue interim regulations for chemical facilities that pose the greatest security risk. There are over 15,000 chemical facilities in this country, and there still are no Federal laws that explicitly address the threat of terrorism activities at chemical plants. The Chemical Facility Anti-Terrorism bill, S. 2145, which I cosponsored, and which was reported by the Homeland Security and Governmental Affairs Committee in June 2006, takes a much more comprehensive approach to this issue. However, because the Senate's Republican leadership is not allowing S. 2145 to come to the floor, I am pleased that Senator BYRD offered his amendment, which I supported, to address the very real risks posed by chemical facilities.

While I am pleased that funding was increased for port security and border protection, I am disappointed that the Senate rejected amendments to provide additional funding for first responders. We cannot expect our first responders to be well-trained, properly equipped and fully staffed to protect us, if we cut their funding sources. I am hopeful that funding levels will be restored in conference.

I am also disappointed that the Senate failed to move away from the current small State funding formula that is used to allocate funding for our first responder grant programs. I supported an amendment that would have allocated funding for the largest first responder funding programs based on an assessment of threat, vulnerability and consequences, and no State would have received less than .25 percent. This approach would have reduced the amount of funds allocated to States regardless of need and increased the funds available to be directed to states facing the

greatest terrorist threats and greatest need. All Americans suffer when a major city is hurt by a terrorist attack; it is critical that Congress direct more funds to areas facing the most significant threats. I will continue to work with my colleagues to make the allocation of these scarce resources more equitable.

Mr. GREGG. Mr. President, at this time we can go to third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GREGG. Mr. President, I ask for final passage and ask for the yeas and yeas.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—100

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed
Boxer	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voivovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	
Dole	McCain	

The bill (H.R. 5441), as amended, was passed.

(The bill will be printed in a future edition of the RECORD)

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CORNYN). The majority leader is recognized.

Mr. FRIST. Mr. President, for the next few minutes, we will be getting

unanimous consents on two issues that will outline what we will be doing during the early to mid part of next week.

Before doing that, I move that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. GREGG, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. ALLARD, Mr. BYRD, Mr. INOUE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. REID of Nevada, and Mrs. FEINSTEIN conferees on the part of the Senate.

UNANIMOUS CONSENT REQUEST—
S. 728

Mr. FRIST. Mr. President, in a few moments, we will be doing a unanimous consent request on water resources development as well as stem cells. Before doing that, I turn to my colleague, the Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me tell you something about what is about to happen if the unanimous consent request goes through. It is a significant bill. We have been working on it now during the last three authorizations, since the year 2000. Now, for 3 years, we have been working on this bill. We have had incredible cooperation, as everybody in the Chamber knows. It is always difficult to get something like this through, but it is necessary to keep this country moving.

I will single out the members of the committee. I chair the Environment and Public Works Committee: Senators THUNE, DEMINT, VITTER, WARNER, ISAKSON, CHAFEE, MURKOWSKI. And Senator VOINOVICH of Ohio has been particularly helpful on this. He has a lot of interest in this bill. Of course, more than anybody else on the Republican side, Senator BOND, who is chairman of the subcommittee, has been very helpful.

The big four in this case, of course, would be Senators BOND, BAUCUS, JEFFORDS, and myself. We have worked closely together to overcome some of the obstacles. Early on, there were several holds on this bill because it is complicated. It is one that almost is of the magnitude of the Transportation reauthorization bill. But we had several people who had concerns and we worked with them, including Senator SNOWE, who was nice enough to help us with some of the facets she had objections to; Senator SESSIONS; Senator MCCAIN; and, of course, the Democratic members of the committee who worked so well, including Senator CARPER and Senator LIEBERMAN, and Senators CLINTON, LAUTENBERG, and OBAMA. Everybody was there working together. It was quite an undertaking to get us to the point where we are today.

I will single out several others. Senator GREGG had some concerns also.

Probably one of the persons I was really gratified to work with is Senator FEINGOLD, the Senator from Wisconsin. I thank him for his cooperation. He had a number of amendments that I thought would be more than we could really handle. We had to get the number down to a certain number that is workable so we could have a time agreement to get this bill passed. I thank Senator FEINGOLD for his cooperation and for agreeing to offer limited amendments under short time agreements. If he wanted to be hard to get along with, he could have had long agreements and this would have gone into many nights. He didn't do that. He agreed to short time agreements, which will make this possible to pass. His willingness to work with us is very much appreciated by me.

Over the past few months, he consistently has been helpful and responsive in working on the WRDA bill. I thank the Senator from Wisconsin for his cooperation.

This is going to be the first time that we have a lot that we need to authorize the Corps of Engineers to do in navigation flight control and environmental restoration. This bill will allow us to do that. I thank everybody for his or her cooperation. Let's go forward.

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader, on Tuesday, July 18, the Senate proceed to the immediate consideration of Calendar No. 93, S. 728.

I further ask that the committee-reported amendments be withdrawn and the managers' substitute amendment at the desk be agreed to as original text for the purposes of further amendment and that the only other amendments in order be the following, the text of which are at the desk, with specified time agreements equally divided in the usual form:

BOXER, Folsom Dam, 1 hour; FEINGOLD-MCCAIN, mitigation standards, 1 hour; FEINGOLD-MCCAIN, peer review, 4 hours; INHOFE-BOND, independent reviews, 1 hour; INHOFE, fiscal transparency, 1 hour; MCCAIN-FEINGOLD, prioritization report, 2 hours; MCCAIN-FEINGOLD, chief of engineers, 1 hour; NELSON of Florida, water projects, 1 hour; SPECTER, Federal hopper dredges, 1 hour.

I ask unanimous consent that there be 2 hours of general debate on the bill, and that following the disposition of amendments and the use or yielding back of time, the bill, as amended, be read the third time, and the Senate proceed to the consideration of Calendar No. 166, H.R. 2864, the House companion, and that all after the enacting clause be stricken and the text of S. 728, as amended, be inserted thereof; that the bill, as amended, be read the third time and the Senate proceed to a vote on passage, and S. 728 be returned to the Senate calendar.

I further ask that no points of order be waived by virtue of this agreement.

Mr. REID. Reserving the right to object, first, I want the RECORD spread with the fact that the Senate can work together. This is an example of that. Senator BOXER and Senator INHOFE are polar opposites politically. I don't know if we could find two stranger people to work together on a bill than the two of these Senators. But this is a bill that takes cooperation and building consensus. That is what they have done.

This is not a Republican bill, it is not a Democratic bill, it is a bill for the Senate. I also want the RECORD to reflect that Senator FEINGOLD, who has three amendments on here, is a person who is dedicated to looking at the substance of legislation. I express publicly my appreciation for his cooperation and for allowing us to get to this point. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are currently talking to some other Senators about the water resources bill, so I will have more to say about that later. In the meantime, I will go on to other business.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. FRIST. Mr. President, today marks a significant milestone for Iraq—and for coalition forces. According to Ambassador Khalilzad, Muthanna will become the first province in which civilian Iraqis take charge of Iraqi security forces in that province. For the first time, the day-to-day security of the Iraqi people living in Muthanna will be in the hands of a civilian Iraqi.

For the half million people living in Muthanna, this means a tangible change in the security and governance of the province. Since 2003, American and coalition forces—the Australians, the British, and the Japanese—have worked together to ensure the security